
COUNTY OF BLAND
PERSONNEL POLICIES

TABLE OF CONTENTS

Introduction.....	1
Open Door	1
County Administrator.....	1
Employees of Constitutional Officers	2
Definitions	2
Chapter I – Employment with the County	4
Qualifications for Employment	4
Probationary Period.....	4
Classification and Pay Plans.....	4
Maintaining and Updating Position Descriptions.....	5
Chapter II – Hours Worked	6
Holidays/Working on Holiday	6
Hours of Work.....	7
Attendance.....	7
Inclement Weather Closings.....	7
Meal Break	7
Timesheets.....	8
Call Back and Hold Over	8
Chapter III – Compensation of Employees	9
Salary and Pay Plan.....	9
Initial Compensation	9
Salary Basis and Rates of Pay	9
Hours Worked and Salary Basis.....	9

Overtime Compensation for Non-Exempt Employee	10
Payroll Deductions	10
Final Paycheck	10
Payment for Accrued Leave	10
Wage and Hour Complaint Procedure.....	11
Review the Pay Stub.....	11
Chapter IV – Performance Expectations.....	13
Establishing Performance Standards	13
Supervisor's Role in Overseeing Performance	13
Evaluating Performance	13
Chapter V – General Conditions	15
Commitment to Equal Employment Opportunities	15
Ethical Conduct	17
Conflicts of Interests	17
Gifts, Loans, Gratuities	18
Employment of Relatives	18
Outside Employment	18
Political Activity.....	19
Communications Equipment and the Internet	19
Use of Credit Cards	20
Reimbursements for Travel and Other Expenses	20
Operating of a Motor Vehicle in Performing Job Duties	20
Use of Personal Vehicle for County Business.....	22
Smoking.....	22
Confidential and Proprietary Information	22
Solicitations	22

Right to Inspect Property on Premises	23
Equipment and Uniforms	23
Dress Code	23
Chapter VI – Benefits	24
Vacation and Sick Leave, General	24
Vacation Leave Accrual and Payment at Termination	24
Sick Leave	25
Payment at Termination for Sick Leave.....	26
Family and Medical Leave (FMLA)	27
Civic Leave.....	31
Bereavement Leave	32
Military Leave	32
Leave without Pay	33
Education.....	33
Unemployment Benefits.....	34
Retiree Benefits	34
Health Benefits Plan	34
Chapter VII – Health and Safety.....	35
Workers' Compensation	35
Occupational Safety and Health	36
Vehicular Accident Reporting.....	36
Workplace Violence and Disrespect	38
Alcohol and Drug Free Workplace.....	38
Drug and Alcohol Testing	39
Chapter VIII – Discipline and Separation from Employment.....	41
Cause for Disciplinary Action	41

Corrective Actions.....	42
Reductions in Work Force.....	43
Resignation.....	43
Payments on Employee's Death	43
Chapter IX – Grievance Procedure.....	44
Access to Procedure	44
Definition of Grievance.....	44
Grievance Steps/Management Review	45
Qualification for Hearing	46
Hearing	47
Communication with Panel Members	48
Prior to the Hearing	48
Hearing Procedure.....	48
Panel Hearing Authority.....	49
After the Hearing.....	49
Procedural Compliance with Grievance Procedures	50
Work Days.....	51
Extension of Time Periods	51
Compensation and Reimbursement.....	51
Recorders.....	51
Disabled Employees	51
Forms.....	51
Chapter X – Personnel Administration and Records	52
Personnel File.....	52
Confidential Records.....	52
Corrections to Records	53

Retention and Destruction	53
Chapter XI – Applicability of Handbook Policies.....	54
Modification of Policies	54
Employees of Constitutional Officers	54

COUNTY OF BLAND, VIRGINIA
PERSONNEL POLICIES

INTRODUCTION

The policies for the administration of personnel employed by the County of Bland are contained in this Handbook. They are established to inform and guide employees on work expectations.

THESE POLICIES DO NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT OF EMPLOYMENT, NOR MODIFY THE AT-WILL STATUS OF ANY COUNTY EMPLOYEE, AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENTS IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS. THE TERM “AT-WILL” MEANS EMPLOYEES CAN TERMINATE THEIR EMPLOYMENT OR BE TERMINATED FROM THEIR EMPLOYMENT AT WILL. EXCEPTIONS ARE EMPLOYEES HAVING WRITTEN CONTRACTS SIGNED BY THE BOARD OF SUPERVISORS.

The policies do not limit the authority of a Department Head to make supplemental rules governing work place conduct and performance provided that such rules do not conflict with the provisions in the Handbook; should a conflict arise, the rules in this Handbook shall govern unless the County Administrator explicitly has authorized an exception.

Open Door

The County encourages communication between employees and their managers on issues relating to employment and the application of these policies. Employees who have concerns, and would like assistance in solving a job-related problem are encouraged to bring the issue to the attention of the supervisor or department head. Should there be a violation of law or these policies, bringing it to the attention of supervisor personnel may be helpful; however, an employee may bring the issue directly to the Personnel Manager. The opportunity to discuss or attempt to resolve issues is not in lieu of any of the compliant procedures provided in this Handbook.

County Administrator’s Role

The County Administrator has the authority and responsibility for administering the personnel system and the rules set forth in these Personnel Policies (the “Policies” or “Rules”). Whenever responsibilities fall to the County Administrator, those responsibilities may be delegated by him to others; the only exceptions are that the County Administrator is the sole authority for interpreting the policies set forth in this Handbook, for permitting exceptions to policies when good cause is shown, and for modifying the policies to conform to changes in the law.

The County Administrator has authority to take appropriate action in dealing with cases of violation of the Policy. Unless otherwise established, the County Administrator is designated as Personnel Officer and is responsible for personnel administration for the County. He shall make a copy of the Policies (and all subsequent modifications) available to each Employee, post them on the webpage, and notify employees of changes to the Policies. A current copy of the Policies is available at the office of the Personnel Manager.

The County Administrator is responsible for administering the pay plan for all positions, for ensuring equitable administration of the plan and pay practices for both the employee and the County, and to resolve issues which are not specifically covered in these policies.

Employees of Constitutional Officers

Employees of the Constitutional Officers (Sheriff, Commonwealth Attorney, Clerk of Circuit Court, Treasurer, and Commissioner of the Revenue) do not fall within these policies unless the Constitutional Officer and the County have entered into a Memorandum of Understanding bring their employees under the County's policies. Each Constitutional Officer has the sole authority to adopt rules for employees within the Constitutional Officer's office.

Definitions

County Administrator: The County Administrator is the chief executive and administrative officer of the County of Bland.

Employee: A person hired to perform services for wages or salary in one of the Departments under the control of the County Administrator.

Exempt Employee: a salaried employee who performs executive, administrative or professional duties as well as certain computer professionals as defined under the Fair Labor Standards Act (the "FLSA") and its regulations and who meets the other requirements for the exemption under the FLSA.

Full-time Employee: an individual hired on a salary or wage basis for an established position for an indefinite term and who works an established schedule of up to 40 hours of work a week. (for firefighters and law enforcement officers who may come under these Policies, the established schedule is up 160 hours respectively in a 28-day work period). For purposes of health care coverage, a full-time employee is one who during the Standard Measurement Period established by the County has worked 30 or more hours a week.

He: Masculine pronouns such as he, his or him shall be construed so as to include both genders.

Hybrid Employee: A full-time employee hired after January 1, 2014.

KSA: Knowledge, skills, and abilities of a position.

Part-time Employee: an individual hired for an indefinite term on a salary or hourly basis for an established position and whose hours of work are less than a full-time employee; part-time employees do not receive paid leave benefits.

Personnel Manager: the position designated by the County Administrator to advise on and manage the policies in this Handbook.

Probationary Period: generally the first year following employment with the County or the first 90 days in a new position.

Regular Employee: A full-time or part-time employee hired into a position that was established to perform duties of a continuing nature.

Section 207(k) Employee: Employees who fall under a partial exception to the overtime requirements under the FLSA; such employees are those in the following positions - law enforcement officers, firefighters and emergency medical services personnel.

Temporary Employee: an individual hired on a project or limited time basis, e.g., day, week, period of months. Employees who serve in such positions may not have the same benefits afforded regular employees, nor may they have the right to grieve a termination.

Variable Hour Employee: for purposes of health care benefits, an employee with unpredictable hours of work, generally under 30 in a work week.

Work period: The work period for employees other than law enforcement officers begins at 12:01 a.m. on Sunday and ends at midnight on Saturday; for law enforcement officers it begins at 12:01 a.m. on the first day of the 28-day work period and ends at midnight on the last day of the work period.

CHAPTER I EMPLOYMENT WITH THE COUNTY

Qualifications for Employment

All vacant positions (other than emergency or temporary) must be advertised at least once before the recruitment process begins in a newspaper of general circulation in the County and listed with the Virginia Employment Commission, the Department of Veterans Affairs, and the Department of Aging and Rehabilitative Services. The County Administrator must approve recruitment before it is advertised. Applicants shall be selected for an interview after a screening of each application based on the tasks, knowledge, skills, and abilities (“KSAs”) listed in the position description. The State application form may be used for all vacancies; however, supplementary forms and/or additional data may be required for some positions in order to determine if specifically required qualifications are met. Past salary history shall not be considered in determining whether an applicant is otherwise qualified for the position.

Evaluation and selection of applicants shall be made on the basis of the KSAs without regard to age, race, color, religion, sex, national origin, disability, national origin, marital status, sexual orientation or preference, genetic qualities, or political preference unless such characteristic is a bona fide occupational qualification. All offers of employment shall be made by the County Administrator.

Probationary Period

Each employee serves a probationary period when first hired or when promoted. The initial probationary period is one year beginning when a new employee commences employment with the County or 90 days when an employee changes positions or is promoted; the probationary period cannot be waived without the written permission of the County Administrator for good cause shown. The probationary period may be extended for another 90 days with the mutual consent of the employee and the County Administrator; such extension shall not be done unless there were factors compelling such an extension.

The probationary period is designed to give both the employee and the County a period in which to determine whether the employee has the necessary KSAs. During the probationary period, the employee may decide that the particular job is not what he desires. If this is the decision, the employee may resign without harm to his employment record. Likewise, during the probationary period, the County Administrator may decide that the employee is not suited for the position and may terminate employment. A performance evaluation review of the probationary employee will be conducted by his supervisor within 4 weeks prior to the close of the probationary period to determine the employee's ability to perform the essential duties of the position.

Classification and Pay Plans

A Classification Plan and a Pay Plan have been established for all positions (except for those positions appointed by the Board and those within the offices of the Constitutional Officers); the County Administrator has responsibility for modifying and updating these plans as needed.

Maintaining and Updating Position Descriptions

The responsibilities, duties, and KSAs of position evolve as the work environment changes. Department Heads and supervisors are responsible for bringing to the attention of the County Administrator any material change in the nature of duties, responsibilities, working conditions, or other factors affecting the classification of a position. A review of each position should be done by the supervisor periodically and the position description revised as appropriate. When changes to the position description are made, the classification of the position should be reviewed to ensure that it is within the proper pay structure. Should changes to the duties of a position result in its placement in a lower pay grade, the salary of the employee may be frozen until such time as the salary falls correctly within the Pay Plan.

CHAPTER II HOURS WORKED

Holidays

The following holidays are observed each year:

- First day of January (New Year's Day)
- Friday preceding the third Monday in January-(Lee-Jackson Day)
- Third Monday in January (Martin Luther King Jr. Day)
- Third Monday in February (President's Day)
- Friday in March or April (Good Friday)
- Last Monday in May (Memorial Day)
- Fourth day of July (Independence Day)
- First Monday in September (Labor Day)
- Second Monday in October - (Columbus Day)
- Eleventh day of November (Veterans' Day)
- Fourth Thursday and Friday in November (Thanksgiving)
- Twenty-fifth day of December (Christmas Day)
- And any such days as granted by the Governor, or the Board of Supervisors

Whenever a holiday falls on Saturday, the Friday preceding such holiday will be observed and whenever a holiday falls on Sunday, the Monday following shall be observed and offices will be closed. In addition, if another holiday is declared by the Board of Supervisors, the Governor of Virginia, or the President of the United States the day shall be a holiday for the County and offices will be closed.

Working on a Holiday

Full-time employees who are required to work on a holiday will be credited with 8 hours of holiday leave that may be requested in the same manner as other paid time off. The holiday leave will be recorded under holiday leave accounts and must be used within 30 days of the date of the holiday worked. If special circumstances prevent an employee from taking the time off, the County Administrator may grant an exception. There is no payout at termination for any unused holiday leave.

Department heads that oversee operations that require employees to work on one of the holidays may establish an alternate work schedule that provides for the employee(s) to have the same number of paid days off (holidays) as have been authorized by the Board of Supervisors.

In departments that have alternative work schedules (e.g. 9, 10, or 12 hour day shifts), employees will be credited with 8 hours of leave for the holiday. Employees desiring to take a full day of leave will have to augment the 8 hours of leave with vacation leave or adjust their schedules (with supervisory approval) for the remainder of the work cycle.

Hours of Work

The hours of work for employees are established by the County Administrator¹; the hours may vary from department to department and are tracked on a work period (7 day basis). The working schedule is generally Monday through Friday, but schedules may be adjusted to include weekend or evening hours during the work period. Further, employees may have fluctuating work schedules, irregular hours, on-call, or call back responsibilities. During emergency situations, every employee may be required to report to work.

Supervisors have the discretion, as a need arises, to adjust work schedules on a temporary basis during a work period to avoid overtime hours or as staffing needs fluctuate. Schedules may also be adjusted with approval of the Department Head to meet FMLA and ADA requirements.

Attendance

Regular and predictable attendance is required of all employees: employees are expected to report to work on time, leave work on time, and while at work engage in work activities. Employees will be disciplined for failing to adhere to these requirements. Should an emergency or other unavoidable or unforeseeable circumstance arise requiring an absence from work, an employee must call or; notify in writing his supervisor as soon as the need for the leave is known, but in no case less than 1 hour before the beginning of the work day; employees in the Department of Public Works must call the supervisor no later than 2 hours prior to the beginning of the workday.

Failure to report to work on time without the prior authorization of the supervisor will be treated as an unauthorized absence; paid leave cannot be used to cover the lost time when there is an unauthorized absence. Employees who voluntarily arrive at work early (or leave work late) are not expected to engage in any work related activities (unless prior authorization from the supervisor has been given).

Inclement Weather Closings

Special situations arise when the County Administrator determines that the weather conditions are such that offices will be opened late or be closed for the day. If the offices are not closed, employees are expected to report to work on time or at a time specified by the County Administrator in a communication to employees. If the offices are closed for a whole or portion of a day for inclement weather, the time will count as hours worked for purposes of receiving a full salary. Should a non-exempt employee be required to work during inclement weather closing, the employee will receive in addition to his salary, straight time compensation for the hours worked during the official closing day(s).

Meal Break

During each workday, an employee is required take a 30-minute meal break; the meal break must be scheduled with the supervisor. The meal break does not count as hours worked. Employees on a meal break should not engage in any work for the County.

¹ At the time this policy was adopted, the Sheriff of Bland County had entered an MOU with the County which sets forth that the employees of his Department will fall under these Policies. For as long as the MOU is in effect, law enforcement employees working for the Sheriff will have work period which may be up to twenty-eight (28) days; weekends and holidays will be treated as work days.

Timesheets

Every non-exempt employee is required to record each hour worked and leave taken during each 7-day work period on timesheets. Hours worked include all time within the scheduled hours and other hours during which the employee is required to perform duties. Exempt employees are to report on a weekly basis the hours worked and the leave taken during the work period,

Call Back and Hold Over

All employees are subject to being held over or called back to work in emergencies or as needed by the County to provide necessary services to the public. A refusal to respond to hold over or call back instructions are grounds for immediate disciplinary action, including possible termination. The hold over hours and/or call back hours are to be reported on the time sheets. Non-exempt employees held over or called back to duty will be paid for each hour worked at the rate of time and one-half; the minimum hours credited on payroll for call back is 2 hours of pay or compensatory time.

CHAPTER III COMPENSATION OF EMPLOYEES

Salary and Pay Plan

Positions are grouped and assigned to a salary range (minimum and maximum) in the Pay Plan. Each salary range consists of a selected number of pay steps. In arriving at salary ranges and pay steps, consideration is given to prevailing rates for comparable work in the relevant job market (regional data from the public and private sector), the current cost of living, responsibilities of the position, working conditions, and the County's financial condition and policy.

Periodically, the Pay Plan will be reviewed by the County Administrator for the purpose of determining the impact of changes in the cost of living and in compensation practices in the relevant labor market. Based upon the County Administrator's findings and the general financial condition of the County changes to the Pay Plan may be recommended to the Board of Supervisors.

Initial Compensation

An employee hired into a position is paid the minimum rate of pay established for that position. However, exceptions may be granted upon approval of the County Administrator when the employee exceeds the minimum qualifications and/or has had a salary history that would support the starting pay being above the minimum. On occasion, should it be necessary to fill a position and the available applicant does not meet all of the minimum qualifications, the applicant may be offered a salary less than the minimum for that position until the employee acquires the KSAs for the position; at such time the employee would have a salary adjustment to bring the salary within the Pay Plan.

Salary Basis and Rates of Pay

Full-time employees receive a fixed salary as compensation for their services. The salary received for employees is based 40 hours of work in the 7-day work period; the hourly rate of pay is determined by dividing the weekly salary by 40 hours. Section 207(k) law enforcement officers receive a salary for 160 hours of work in a 28-day work period. When employment is on a part-time basis, the salary is proportionate based on the scheduled hours of work for that employee. Part-time and temporary employees may be hired on an hourly rate of pay.

Hours Worked

Each hour that a non-exempt employee performs services for the County must be recorded on the time sheets for the 7 day work period. All hours worked must be recorded; these include the hours actually worked, the hold over or call back hours, the hours working off-site or on weekends; All hours worked must be recorded on time sheets. All leave taken (e.g. vacation, sick and other approved leave) shall not be considered hours worked for the purpose of calculating an entitlement to overtime wages. Exempt employees shall report the total hours worked on a work week, not daily, basis.

Overtime Compensation for Non-Exempt Employee

Employees who are in positions designated as nonexempt under the FLSA shall not work in any workweek work beyond their scheduled forty (40) hours or past an eight (8) hour day unless such schedule adjustments have been authorized by the supervisor, preferably in advance. If a non-exempt employee should work beyond the schedule hours on any day, the employee should immediately if practical but no later than the next work day report the nonscheduled hours worked to the supervisor. County reserves the right to adjust the employee's schedule at the convenience of the County to avoid overtime payments during that work week. Part-time employees shall not work past 29 hours per work period.

Should circumstances require irregular hours of work or unscheduled overtime, the time must be recorded on the time sheets and compensatory leave will be credited at a rate of one and one half hours for each hour of overtime worked.

Employees in positions exempt from the Fair Labor Standards Act (FLSA) do not receive overtime compensation or compensatory leave. The position descriptions for these positions should indicate exempt status.

Compensatory leave records for each employee will be maintained by the Payroll Office. This time is never lost. An employee requesting to use accumulated compensatory leave shall be allowed to do so within a reasonable period of time after making the request - with the understanding that such leave will not be granted for the date requested if it is judged to be unduly disruptive to the operations of the department or the County. Employees are encouraged to schedule the use of compensatory leave as soon after earning it as practical. Compensatory leave records can review these records during normal office hours upon request. Compensatory leave is never lost and upon termination payment will be made to the employee.

Payroll Deductions

The County is required by law to make deductions from an employee's gross pay to cover federal and state income taxes, contributions to VRS, Social Security, and Medicare; other deductions for employer provided benefits will be taken when authorized by the employee. Garnishments that are imposed by a court of law will be taken as a payroll deduction.

Final Paycheck

At termination of employment, all deductions required by law shall be withheld from the final paycheck. In addition, pursuant to the prior consent given of the employee, the County will withhold any amount owed to the County for unreturned equipment, personal property, improper expense or credit card charges, and other indebtedness to County. Should the employee not have consented to the withholding the amounts owed to the County, the indebtedness shall be taken from any payments of accrued leave balances (compensatory leave balances are excepted).

Payment for Accrued Leave

An employee who has remaining annual, sick balances shall be paid in one lump sum for the balances at the termination of employment with the County; compensatory leave balances will be paid to non-exempt employees. Any indebtedness to the County not recovered in full from the final paycheck shall be deducted from the lump sum payment for accrued annual and sick leave. Payment for accrued leave shall be made no later than the first full pay period following termination. For purposes of unemployment compensation

benefits, , the leave payout shall not be assigned to the last day of work but allocated against any compensation awarded.

Wage and Hour Complaint Procedure

It is the practice of the County to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that an employee is paid properly for all time worked and that no improper deductions are made, each employee must record correctly all work hours and must review his paycheck promptly to identify and report all errors. Employees are not permitted to engage in off-the-clock or unrecorded work.

Review the Pay Stub

Although the County makes every effort to ensure its employees are paid correctly, inadvertent mistakes can happen. When mistakes happen and are called to the attention of the Personnel Manager, corrections that are necessary will be promptly made. Each employee should review each pay stub received to make sure it is correct. If an employee believes a mistake has occurred or if there is a question, the reporting procedure outlined below should be used.

Reporting Procedures for Nonexempt and Exempt Employees

A nonexempt employee is eligible for overtime pay; accordingly it is important for each employee to accurately record of the total hours worked each day on the time sheet provided by the County. Each employee must sign his time sheet to verify that the reported hours worked is complete and accurate (and that there is no unrecorded or “off-the-clock” work). The time sheet must accurately reflect all regular and overtime hours worked, any absences, early or late arrivals, early or late departures and meal breaks. At the end of each work period (the period from 12:01 on Sunday to 12:00 on Saturday), a completed time sheet should be submitted for verification and approval. When an employee receives the monthly pay check, please verify immediately that payments were correctly received for all regular and overtime hours worked each workweek.

An exempt employee receives a salary which is intended to compensate for all hours of work performed for the County. This salary will be established at the time of hire or when classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary of an exempt employee is a predetermined amount; deductions for variations in the quantity or quality of the work performed are not permitted.

The salary of an exempt employee is subject to certain deductions: (1) when an employee is absent from work for one or more full days for personal reasons other than sickness or disability; (2) for absences due to sickness or disability and paid leave is not used; (3) to offset amounts received as jury or witness fees, or for temporary military duty pay; (4) for penalties imposed in good faith for infractions of safety rules of major significance; (5) for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions; (6) in the employee's initial or terminal week of employment if the employee does not work the full week, or (7) for unpaid leave taken by the employee under the federal Family and Medical Leave Act.

Report All Violations

It is a serious violation of the County’s policy for any employee to falsify a time sheet, or to alter another employee’s time sheet. It is also a serious violation for any employee or supervisor to instruct another

employee to falsely the report hours worked or alter another employee's time sheet to under- or over-report hours worked. If you are instructed to (1) incorrectly or falsely under- or over-report your hours worked, (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, (3) conceal any falsification of time records or (4) the pay policies set forth in these Policies, do not do so. Instead, report it immediately to the Personnel Manager. Any employee who observes others violate one of the above listed prohibited practices is encouraged to report it to the Personnel Manager.

Employees should not work any hours outside of the scheduled work day unless the supervisor has authorized the unscheduled work in advance. Employees are not to start work early, finish work late, work during a meal break or perform any other extra or overtime work unless authorized to do so; those hours must be recorded on the time sheet. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work an employee performs but is not reported on time sheet. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including discharge.

An employee with a question about deductions taken from pay or the paycheck not accurately reflecting all hours worked should immediately contact the Personnel Manager. Every report will be fully investigated; if a violation is found corrective action will be taken, up to and including discharge of any employee(s) who violates this policy.

Retaliation against an employee who reports alleged violations or who cooperates in the County's investigation of such reports is prohibited. Any form of retaliation in violation of this policy will result in disciplinary action, up to and including discharge.

CHAPTER IV PERFORMANCE EXPECTATIONS

Establishing Performance Standards

For each position, a position description shall be developed. Every 2-3 years the position description should be reviewed by the employee and supervisor to determine if modifications are necessary and/or appropriate based on changes in job duties and KSAs. Prior to recruiting for a vacant position, the position description should be reviewed to determine if it reflects current work responsibilities.

The position description should list the duties and responsibilities of the position and should delineate those that are "essential" as that term is used in the Americans with Disabilities Act. In addition, the job requirements (e.g. regular and predictable attendance, ability to triage in emergency situations, etc.) that are "essential" should also be noted.

Supervisor's Role in Overseeing Performance

Each supervisor has the responsibility to monitor and oversee the performance of employees who report to or take direction from him. When an employee's behaviors or work product do not conform to expectations, these expectations should be reiterated and the employee informed on what actions are needed to bring performance up to those expectations. Performance coaching is a key role of a supervisor. Following performance coaching, the supervisor should inform the employee whether the employee's his actions are meeting expectations. The supervisor should keep notes of all performance counseling.

Evaluating Performance

The performance evaluation process is designed to encourage the improvement and development of each employee as well as alerting supervisors to areas where additional training or job mentoring may be necessary. Supervisors are encouraged to provide performance feedback throughout the year and may establish interim review dates for employees, if determined to be appropriate.

An employee is to receive a annual performance review no later than 60 days after the date of the employee's anniversary of employment with the County in that position. The performance evaluation instrument is prepared by the supervisor under the supervision of the Department Head or County Administrator in consultation as necessary with the Personnel Manager. Once the evaluation is completed by the supervisor, the Department Head or County Administrator must review and approve it prior to it being given to the employee.

An employee who receives an unsatisfactory rating may be dismissed or if there is a vacant position demoted in lieu of termination. If circumstances justify not terminating the employee for an unsatisfactory performance evaluation, the employee must be reviewed again within 3 months. If 6 months of satisfactory service are not attained, the employee will be dismissed. The County Administrator has, after reviewing the facts and circumstances, the authority to demote an employee to a position consistent with the employee's skills and abilities in lieu of termination.

If performance based pay raises are given by the County, an employee who has received an unsatisfactory rating may not be considered for a pay increase until the employee has completed 6 months of satisfactory performance.

Performance evaluations are confidential and may be reviewed only by the employee evaluated, his supervisor and department/agency head, the County Administrator, or others to whom the County Administrator designates as having access to review them.

CHAPTER V GENERAL CONDITIONS

Commitment to Equal Employment Opportunities

The County is committed to having a diverse workforce and providing equal opportunities in employment to all applicants and employees and to administering employment practices without regard to race, color, religion, sex, age, national origin, marital status, pregnancy, veteran's or military status, genetic information, sexual orientation or identity, or disability.

This policy applies to every aspect of employment including, but not limited to (1) recruiting, hiring and promoting in all job classifications and (2) other personnel actions such as compensation, benefits, transfers, layoffs, training and assignments. All personnel actions will be administered without regard to race, color, religion, sex, age, national origin, marital status, pregnancy, veteran's or military status, genetic information, sexual orientation or identity, or disability.

Harassment and Hostile Work Environment

The County is committed to providing a workplace free from intimidation, bullying and other interpersonal conduct that creates a hostile work environment ("Harassment"). Harassment has many forms including unwelcome and offensive treatment or conduct (verbal, physical, psychological, or visual) that a reasonable person would find intimidating, hostile, or abusive and/or that unreasonably interferes with work performance.

A hostile atmosphere can be created by remarks, gestures, and/or animosity based on race, color, religion, sex, age, national origin, marital status, pregnancy, veteran's or military status, genetic information, sexual orientation or identity, or disability, unwelcome sexual advances, requests for sexual favors, bullying, or other similar conduct will not be tolerated. Conduct that may rise to the level of harassment or a hostile work environment includes verbal remarks (epithets, derogatory statements, slurs, jokes), physical contact (assaults, physical interference with movement or work, touching), visual displays (displaying of printed or photographic materials, objects), electronic and digital messages, and other actions that are demeaning or hostile. Such conduct, whether overt or subtle, is unacceptable. When an employee believes that a hostile work environment exists, it should be immediately reported as provided under "Complaint Procedure."

Sexual harassment includes unwelcome advances, requests for favors, or other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is either explicitly or implicitly made a term of condition of employment; (2) submission or rejection of such conduct is used as a basis for employment decisions; and/or (3) conduct that is severe or pervasive enough to create an intimidating, hostile, or offensive work environment.

Examples of sexual harassment include:

- Physical assaults.
- Subtle or overt pressures or direct requests for sexual favors.
- Inappropriate displays of sexually suggestive objects or pictures.
- A pattern of unwelcome conduct of a sexual nature that would be offensive to a reasonable person such as unnecessary touching, abusive or demeaning language or gestures (including remarks about another's clothing, body or body movements, or sexual activities), or teasing or joking.

- Explicitly or implicitly communicating that an employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other conditions of employment.

Accommodating Individuals with Disabilities

Reasonable accommodations will be provided to a qualified employee or applicant with a disability when that employee or applicant requests an accommodation or when the disability is made known. A qualified employee or applicant is one who is able to perform the essential functions of the job with or without accommodation. Prior to making a determination on the accommodation, the County should carefully weigh the request and the factors in the employee's particular work responsibilities to determine whether the request is reasonable and therefore can be accommodated. A request for an accommodation will be denied if the accommodation is not shown to be effective, places an undue hardship on the County, or if granted there would be a direct threat to the health and safety within the workplace.

Complaint Procedure

An employee who believes that any provision of the Equal Employment Opportunity policy is being violated by other employees or Officials of the County or by contractors and other invitees: (1) may inform the offending person(s) that the conduct is unwelcome or impermissible and (2) must report the conduct immediately to the Personnel Manager. It is preferred that the report be made in writing (it can be made anonymously); however, a report will also be accepted by phone or in person.

Reports will be promptly and thoroughly investigated and, if the report is founded, corrective action taken. If it is determined that a violation has occurred, appropriate relief for the employee(s) bringing the complaint and appropriate disciplinary action, up to and including discharge, against the person(s) who violated the policy will follow.

A non-employee who subjects an employee to harassment in the workplace or discriminatory treatment will be informed of the County's policy and appropriate actions will be taken to protect the employee(s) from future harassing conduct.

USDA Compliant Procedure

An employee working in a department that receives U.S. Department of Agriculture (USDA) funds who believes that discrimination, harassment, or hostile environment has occurred may file a complaint with USDA. The form (USDA Program Discrimination Complaint Form) is available on-line at www.ascr.usda.gov/complaint_filing_cust.html, at any USDA office, or by calling (866) 632-9992. In lieu of a form, an employee may write a letter containing all of the information requested in the form. The completed complaint form or letter should be sent to the following address: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442.

Retaliation Prohibited

Employees who report discrimination, harassment or hostile work environment or who identify potential violations, witnesses interviewed during the investigation, and others who may have opposed discriminatory conduct are protected from retaliatory acts. If an employee believes that he is being retaliated against, a report, preferably in writing, should be made immediately to the County Administrator or the Personnel Manager. Those who are found to be acting in a retaliatory manner will be disciplined for such

conduct.

Confidentiality

The County will make every effort to preserve the confidentiality of the matters investigated and of the individuals involved. It is the responsibility of those involved in the investigation to ensure that this commitment to confidentiality is honored. State and federal law require that the complaint/investigation record be kept; although confidential some laws may require disclosure in limited circumstances. Also, the name of the employee who made the charge may have to be revealed in order to properly investigate the matter; the employee who brought the complaint will be notified before his or her name is released to the accused.

Ethical Conduct

Every employee is expected to adhere to the fundamental principles of ethical service. Public service is a public trust, requiring employees to place loyalty to the law and ethical principles above private gain. Therefore, an employee shall not:

- Hold financial interests that conflict with the performance of work duties.
- Engage in private transactions using information that has not been made public, has been acquired during the course of employment, or allow the improper use of such information to benefit private interests.
- Solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially benefited by the performance or nonperformance of the employee's duties.
- Make no commitments or promises of any kind purporting to bind the County unless such responsibilities are a function of the employee's duties.
- Use public office for private gain.
- Act with partiality and give preferential treatment to any private organization or individual.
- Use County property for purposes other than authorized activities.
- Engage in outside employment or activities, including seeking or negotiating for employment, that conflict with his official government duties and responsibilities.

When an employee has reason to believe that waste, fraud, abuse, and corruption may be occurring in the workplace, the employee should immediately report it to the County Administrator or to the Board of Supervisors if appropriate.

Conflict of Interests

Employees are held in a position of public trust; therefore, they may not engage in any activity that would create a conflict of interest. Every employee is subject to the Virginia Conflict of Interests Act, § 2.2-3100 et seq. of the Code of Virginia, which prohibits an employee from engaging in a transaction or a contract in which the employee has a financial interest that comes to him directly or through an immediate family member (each of these terms is defined under the Act). The Act sets forth conduct that is prohibited (Va. Code § 2.2-3103) as well as reporting requirements for those positions designed by law or the County Administrator. It is a crime to violate this Act and therefore every employee should become familiar with the act and seek advice prior to engaging in an activity for which a conflict of interest may exist. Employees may obtain a copy of the Conflicts of Interests Act from the County Administrator or at <https://leg1.state.va.us>.

Gifts, Loans, Gratuities

An employee shall not accept gifts, gratuities, or loans from organizations, business concerns or individuals with whom he has an official relationship in the course of his duties for the County. These limitations are not intended to prohibit (1) acceptance of articles of negligible value which are distributed generally or approved by the supervisor or Department Head, (2) employees from accepting social courtesies which promote good public relations, or (3) obtaining loans from regular lending institutions. It is particularly important that inspectors, contracting officers, and enforcement officers guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage or collusion.

Employment of Relatives

Employment of relatives of the Board of Supervisors or any other officer or employee of the County must be consistent with the provisions of the Virginia Conflict of Interests Act, § 2.2-3100 et seq. of the Code of Virginia. Family relationships should be disclosed to the Personnel Manager before hiring or a job change occurs.

Outside Employment

Any form of employment or business activity engaged by an employee outside of working hours should not conflict with or compromise in any way the position that the employee holds with the County. An employee may engage in gainful outside employment with prior approval of the County Administrator, provided that such outside employment does not impair the performance of work duties or create an actual or potential conflict in interests or loyalties.

Examples of outside employment that could fall within the above restrictions include employment that

- Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job.
- Is conducted during the employee's work hours.
- Involves the use of County telephones, computers, supplies, or any other resources, facilities or equipment.
- Is with a business or firm which has contracts with or does business with the County and the employee is involved in the procurement process.

An employee who desires to engage in outside employment, including self-employment, may should request authorization from the County Administrator; the request should be submitted in writing.

Political Activity

State law, Va. Code §15.2-1512.2 permits employees to engage in political or campaign activities while off-duty and not in uniform. While at work or otherwise performing job related duties, an employee shall not engage in such activities. Engaging in political activities during work hours or using County equipment and communications systems is strictly prohibited. This prohibition includes, but is not limited to:

- Engaging in political activity on work premises during work hours
- Using County-owned equipment, supplies or resources, or electronic communications systems
- Discriminating in favor of or against, any person or applicant for employment based on political activities or political affiliation
- Using the employee's title or position while engaging in political activity

A political activity includes, but is not limited to, promoting a political issue, influencing the outcome of an election for local or state office, or for influencing the outcome of a referendum or special election, or working with or on behalf of a political candidate or political party.

Communications Equipment and the Internet

The County provides electronic, digital, wireless, phone, and other communications equipment, and Internet and media services ("electronic communications systems" or "ECS") for business use only. E-mails, sound and image recordings, and other forms of communicated messages in whatever other form generated on County work time or sent, received, or stored on the County's ECS are business records of the County. Accordingly, the messages will be subject to monitoring from time to time and in the course of this monitoring may be read for content. Further, all ECS communications may be subject to public inspection under FOIA and state and federal record retention laws.

Employees will be required to provide the passwords, user names, and e-mail addresses that are used during the course of work or for access to the County's ECS. The use of the County's ECS is not for personal use and there should be no expectation of privacy in the messages, sent, received or stored on the County's communications systems.

The use of the County's ESC is subject to the same code of conduct that applies to all other actions in the workplace. Using the County's ECS in a manner that violates any rules or regulations of the County or the provider of the communications services constitutes grounds for disciplinary action.

Employees must not share their user names/passwords with any other individual, including other employees or outsiders unless prior authorization by the supervisor has been given. It is not permissible to attempt to subvert network security either by accessing the Internet without using your password or by seeking to discover other passwords to gain access. Employees are representatives of the County when using the County's ECS. Accordingly, they are expected to act and to communicate professionally on the Internet, not to engage in any commercial or illegal activities, or to use the account for personal business.

The following, although not all-inclusive, provides examples of unacceptable uses of the County's ESC:

- Engaging in business activities
- Private or personal use.
- Purposes or uses that violate any law or regulation.

Before using the County's ECS, employees will be required to consent to the monitoring of all communications sent, received and stored on ESC equipment and services provided by the County. The consent form is attached to this Handbook.

Use of Credit Cards

Credit cards issued to the County are given to employees for conducting County business and are to be used solely for business-related expenses such as gasoline or vehicle maintenance on County vehicles or equipment, supplies, airfare, lodging, meals, or other approved purchases. Banking cards may not be used to purchase items for the personal use of an employee under any circumstance. An employee found to abuse or misuse a County credit card may be subject to immediate discharge. Lost or stolen credit cards should be reported to the Finance Director immediately.

Credit cards are issued for payment purposes only; they are not in lieu of procurement through the County's small purchase procedure. For more specific rules on the use of County issued credit cards, an employee should consult the Finance Director.

Reimbursements for Travel and Other Expenses

An employee must have his supervisor's written authorization (requisition/purchase order, etc.) prior to incurring an expense on behalf of the County. To be reimbursed for such an expense, an employee must submit an expense report/voucher accompanied by receipts and have the reimbursement request approved by the supervisor.

Operating of a Motor Vehicle in the Performing Job Duties

General Conditions

An employee who operates a motor vehicle in the course of performing job duties must possess and maintain an active Virginia driver's license with a driving record that is acceptable to the County and its insurance carriers. Negative points on a driver's license may disqualify the employee from using such vehicle in the performance of the job duties. For those employees operating a vehicle in the course of County business, driving records will be checked prior to hiring and periodically during employment. Consent to this driving record check is a condition of employment. Employees who are required to have a CDL will be subject to drug testing in accordance with federal law.

County Owned Vehicles

County-owned vehicles are to be used only for official business; any other use of the vehicle is prohibited. Employees who are on 24-hour call may be allowed to take County vehicles home. Other travel to and from an employee's home to the job must be authorized by the County Administrator. The County is required to report commuting and other personal use of the county vehicle as income to the employee on the annual W-2 IRS form (this income does not affect the salary or wages an employee receives).

Employees who are assigned County vehicles are responsible for ensuring that the vehicles are properly operated, maintained, and the interiors kept clean. Smoking is not permitted in County vehicles. Employees are required to check their vehicles at least weekly to determine if they are operating properly, tires are properly inflated, etc., and report any problems promptly to their supervisor for attention.

Operation of Vehicles for County Business

The following are the minimum rules that must be followed when personal or County a vehicle (County owned or personal) is used in the course of business

- The employee must possess a Virginia Driver's License in good standing before using a vehicle for County business.
- Maintain a driving record acceptable to the County and its insurance carrier(s).
- The supervisor must be notified immediately concerning any change in the status of the driver's license.
- Inform the supervisor of any restrictions on the license and/or those imposed by a medical professional; comply with these restrictions (e.g. eye glasses)
- Operate the vehicle in a safe manner at all times. Every precaution in the prevention of accidents must be taken including obeying all traffic laws and using every safety measure possible to prevent accidents.
- Seat belts must be used by all occupants at all times when the vehicle is in operation.
- Talking other than remotely (i.e. blue tooth) or texting on electronic devices is prohibited while the vehicle is in operation.
- When weather conditions hamper visibility, the use of windshield wipers is required.
- Headlights must be on while car is in operation
- Employees are to inspect and ensure that the vehicle is in sound mechanical order before operating it.
- Accidents occurring while on County business must be immediately reported to the supervisor or Personnel Director (see procedures on page 36)

Rules for Operating County Vehicles

An employee who is assigned the use of a County-owned vehicle, has the following responsibilities:

- Operators of light or heavy motorized equipment must immediately report to the supervisor any defect in the mechanical equipment and use every precaution to prevent additional property loss, expense, or recurrence of the condition.
- All accidents and injuries to persons and property must be reported immediately (see section below).
- Smoking is not permitted.
- If assigned 24-hour possession of the vehicle, the vehicle may be driven to and from the employee's place of residence ("commuting to work), or other non-routine county business (e.g. being called back to work). The commuting mileage must be reported on a monthly basis to the Personnel Manager. This mileage must be reported to IRS at the end of each calendar year and is treated as income to the employee..
- Personal business is not permitted, however, infrequent/occasional stops to and from work for personal business will be allowed if necessity arises.
- The vehicle may also be used is when there is a business need for transportation during off duty hours, e.g. being called back to work. An employee who is authorized to take a vehicle home must leave the vehicle at the place of work when absent from work for a non-job related purpose for more than a week, unless otherwise approved by the Department Head.
- The employee is responsible for coordinating routine maintenance and repair of the vehicle.
- Whenever possible, the shared use of County vehicles is encouraged; however, a scheduling preference will be given to the employee assigned the vehicle.

Actions to Be Taken When the Driver's License Is Suspended or Revoked

An employee who drives a vehicle for work duties must at all times obey traffic rules. Should an employee be issued a moving violation that could lead to the driver's license being revoked or suspended, the employee must immediately report the moving violation to the Personnel Manager. The employee should notify the Personnel Manager of the final disposition of the moving violation. Should the driver's license be suspended or revoked, the employee will not be allowed to operate any County-owned vehicle or use a personal vehicle for conducting County business until the driver's license is in good standing with a record that is acceptable to the County's insurance carrier. If the employee is unable to drive a vehicle for County business because of the foregoing, the employee may be assigned to a position for which driving is not required (which may mean a cut in pay) or may be placed on leave without pay or be terminated.

Reimbursement for Use of Personal Vehicle for County Business

When it is necessary to use a personal car for County business, the employee must seek the approval of the supervisor or Department Head. The employee will be reimbursed for the business use of a personal vehicle at the current rate established by the Internal Revenue Service for federal income tax purposes. A travel expense form must be completed by the individual and submitted to the Department Head for his signature. The County Administrator or his designee shall make final approval.

Smoking

Smoking is not permitted in offices, reception areas, or any enclosed space, including County-owned vehicles. Assigned outdoor smoking areas are available to employees and visitors who desire to smoke.

Confidential and Proprietary Information

An employee may work in a position where there is access to confidential, proprietary and/or personal information. Employees are prohibited from sharing or disclosing such information gathered in the course of their employment unless authorized by law or County policy. If an employee is uncertain about what information can be accessed or released to a third party, the employee should refer the individual requesting the information to the person designated as the FOIA Administrator.

The County adheres to the Government Data Collection and Dissemination Act, Virginia Code § 2.2-3800 et seq. and the Freedom of Information Act, Virginia Code § 2.2-3700 et seq. Each of these Acts has stringent requirements on the retention and public disclosure of information retained by the County. Employees should become familiar with the Freedom of Information Requests and Data Retention and Destruction policies of the County. The FOIA Administrator should be consulted prior to disclosing any information in the records to those not employed by the County.

Solicitations

The bulletin boards in each workplace are for official use only. Except for official messages (those required by law or prepared by County officials) no messages, flyers, pictures, or other objects may be posted on the bulletin boards.

An employee cannot, during working hours or on County premises, solicit or distribute literature or goods and merchandise for sale (or request a charitable donation) to other employees by or on behalf of any

individual, organization, club, or society, community group, etc. An employee may not solicit from anyone doing business with the County.

Right to Inspect Property on Premises

Desks, telephones, lockers, and computers are the property of the County. The County reserves the right to enter and/or inspect without consent an employee's work area including, but not limited to, desks and computer storage disks, with or without notice. Such searches will be for work-related purposes and will be reasonable in their inception and reasonable in the scope of the intrusion.

Equipment and Uniforms

Certain positions may require the wearing of a uniform and/or badge and the wearing of other equipment and/or tools. This equipment is provided to all employees at no cost and is a condition of employment. Upon termination or placement in another position, this equipment shall be returned to the employee's immediate supervisor or appropriate person as designated by the department. Recovery of the costs for such equipment may be withheld from the payments to employees for accrued leave if settlement is not resolved prior to date of final paycheck.

Dress Code

All employees are expected to dress and groom themselves in accordance with accepted business standards consistent with their job duties. A neat and clean appearance contributes to the positive impression an employee makes. Each department/agency head may establish a reasonable dress code appropriate for each job in the work unit, subject to approval by the County Administrator.

CHAPTER VI BENEFITS

Vacation and Sick Leave, General

Full-time employees accrue vacation and sick leave at the completion of each full calendar month of employment; in any month in which an employee is has been on unpaid status for 11 days or more no leave will accrue..

When a holiday falls while an employee is on vacation or sick leave, the holiday times does not have to be charged against leave balances provided that the leave had been approved by the supervisor at least a week in advance.

Vacation Leave Accrual

Regular Full-time Employee Accrual of time

<u>Length of Service</u>	<u>Accrual Amount</u>	<u>Maximum Accrual Limit</u>
0 up to 5 years	8 hours	192 hours
5 to 10 years	10 hours	240 hours
10 to 15 years	12 hours	288 hours
15 to 20 years	14 hours	336 hours
20 to 25 years	16 hours	360 hours
25+ years	18 hours	400 hours

Payment at Termination for Accrued Vacation leave

At termination of employment, cash payment for accrued vacation leave will be based on the number of cumulative years of full-time employment service with the County as set forth on the following chart; however, notwithstanding the payout limits the maximum cash amount of the payout before taxes shall not exceed \$5,000.

Years of Service	Payout Limits
Under 5 Years of Service	Up to 100 hours
5 to 9 Years of Service	Up to 150 hours
10 to 14 Years of Service	Up to 200 hours
15 or more Years of Service	Up to 240 hours

The cash payout of accrued leave will be allocated against any Unemployment Compensation benefits the employee may be awarded.

Scheduling Vacation Leave

The earlier vacation leave requests are submitted the more likely they will be granted. In instances of requests for overlapping dates, preference will be given to the request of the employee with greater seniority.

Sick Leave

Because of a change in state law, full-time employees hired after January 1, 2014 ("Hybrid Employees") have different sick leave benefits from those hired before that date. Temporary, part-time, and seasonal employees do not accrue sick leave.

The following describes the differences in benefits for employees in these two classes:

a. Sick Leave Accrual – Non-Hybrid Employees

Full-time employees earn sick leave at the completion of each full calendar month of employment if they had been on paid status for the entire month at the rate of 10 hours per month. The maximum amount of sick leave that may be accrued is 2080 hours. Those employees who have accrued more than 2080 hours at the adoption of this policy will not lose the accrued sick leave over the maximum accrual limit but will not accrue any additional sick leave until the balance has dropped below 2080 hours.

b. Sick Leave Accrual – Hybrid Employees

Full-time employees hired after January 1, 2014 ("Hybrid Employee") earn sick leave at the completion of each full calendar month if they had been on paid status for the entire month at the rate of 10 hours per month. The maximum amount of sick leave that may be accrued is 2080 hours.

Use of Sick Leave

Use of sick leave is not a privilege to be used at an employee's discretion, but is allowed for the following reasons:

- Personal illness or physical incapacity which results in the employee's inability to perform work duties.
- Family and Medical Leave (FMLA).
- Illness or injury of a spouse or child that is not covered under FMLA and requires the employee to provide assistance and /or care.
- Appointments for examination and treatment related to health when such an appointment cannot be scheduled during non-work hours.

Hybrid employees may supplement the short-term disability paid under the VRS Hybrid Plan's VLDP requirements when the employee's short-term disability pay is less than 100% of gross pay. In these situations, the amount of sick leave that can be used is an amount that will make the employee's weekly earnings 100% of pre-disability income. When an employee has exhausted all paid sick leave hours, an employee can receive short-term disability pay per the Hybrid Plan's short-term disability income replacement payment schedule.

Requesting Sick Leave – Notification Procedure

Use of sick leave is a privilege and not a right. To use sick leave an employee must contact his immediate supervisor and/or the supervisor on duty as soon as the need for the leave is foreseeable but no later than 1 hour before the beginning of the scheduled workday and receive permission from the supervisor for the absence (certain departments may require a longer advanced notice and will notify employees of this requirement). Should an unknown emergency situation arise which requires the use of sick leave, an employee is expected to notify his supervisor as soon as possible but no later than the commencement of the shift.

Verification of Need for Sick Leave

Whenever sick leave is requested, the supervisor may require an employee to bring in a statement from a health care provider substantiating the need for the leave. When there is an absence of more than 3 consecutive days, or there is a pattern of recurring and unscheduled absences, a statement from a health care provider will be required to substantiate why the employee was not able to report to work due to a health issue. Hybrid Employees whose absence may qualify for short-term disability benefits under the VLDP (short term disability plan) requirements will be required to submit necessary claim forms and information to the County's disability insurance provider.

Abuse of Sick Leave

Absenteeism and/or the abuse of sick leave is an offense for which an employee may be disciplined.

Payment at Termination

Upon termination of employment an employee who has completed the probationary period will be compensated for 25% of his accrued sick leave up to a maximum of \$5,000.00. The payout of accrued sick leave will be allocated against any Unemployment Compensation benefits the employee may be awarded.

Such compensation shall be based on the employee's rate of pay at the time of termination. If termination is occurring due to abuse of sick leave, the employee will be compensated for only that portion of sick leave not being contested.

Family and Medical Leave

FMLA leave is “job protected” unpaid leave; the job protection rights of Key Employees are different than other qualified employees. Employees are required to use accrued sick leave or vacation leave concurrently with FMLA leave.

Eligibility

To be eligible for FMLA leave, an employee must: (1) have been employed by the County for at least 12 months (the months do not need to be consecutive months, separate periods of employment are counted, provided that the break in service did not exceed 7 years); and (2) have worked at least 1,250 hours in the preceding 12 months from the date FMLA is to be used (these hours must be actual hours worked and do not to include leave time).

Reasons for FMLA Leave

To qualify as FMLA leave, the employee must be taking leave for one or more of the reasons listed below:

- Because of the employee's own serious health condition which makes the employee unable to perform the essential functions of the employee's job.
- Birth of the employee's child or to care for the employee's newborn child.
- Placement of a child with the employee for adoption or foster care.
- To care for an immediate family member (employee's spouse, child or parent) with a serious health condition.
- To care for a member of the U.S. Armed Forces or veteran with a serious injury or illness incurred or aggravated in the line of duty while on active military duty if the employee is the spouse, son, daughter, parent or next of kin of the service member or veteran. (Note: This type of FMLA leave is referred to in this policy as "military caregiver leave") and/or
- A qualifying exigency arising because the employee's spouse, son, daughter or parent is a member of a regular component of the U.S. Armed Forces who is deployed on active duty to a foreign country or is a member of the National Guard or Reserves who is deployed to a foreign country on active duty pursuant to Section 101(a)(13)(B) of Title 10 of the United States Code.

Note: the parent/child relationship may arise from foster care, adoption, or serving “in loco parentis” relationships.

Duration of Leave

Leave for a serious health condition: an eligible employee may use up to 12 weeks of FMLA leave for a serious health condition during the "rolling" 12-month period looking backward from the date that FMLA began.

Leave for the birth or placement of a child for adoption or foster care: the leave must be concluded within 12 months from the birth or placement of the child.

Leave to care for a service member or veteran with a serious injury or illness: an employee may take up to 26 weeks of leave during a single 12-month period for this caregiving responsibility; during the 12-month period, all types of FMLA leave are combined to determine when the 26 weeks of leave is reached. The 12-month period for purposes of military caregiver leave begins on the first day that an employee takes military caregiver leave and ends 12 months after that date, regardless of the rolling 12-month period that the County

utilizes for determining available leave for other FMLA-qualifying reasons.

All leave taken for FMLA purposes is aggregated as to the maximum amount allowed during a 12- month period. Because of different measurement periods (e.g. rolling 12-month period for a serious health condition, 12-month period forward from the date of the birth), there will be multiple calculations to determine the amount of leave available. However, except for the care of an injured service member/veteran, the total amount of FMLA leave will be no more than 12 weeks in any 12-month period.

Husband and Wife Work for the County - Limitations

When a husband and wife are both employed by the County and are each eligible for FMLA leave, (1) no more than 12 weeks combined may be taken when the leave is for the birth or placement of a child or for a parent's serious health condition and (2) no more than 26 weeks combined when the leave is taken to care for an injured or ill service member or veteran.

Requests for Leave

When the need for the leave is foreseeable, the employee must provide at least 30 days advanced notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with normal call-out procedure requirements and procedures for requesting leave, absent unusual circumstances. Leave requests that are not submitted according to policy, and as soon as practicable, may be delayed or denied.

Designating Leave

Supervisors are to designate leave as FMLA without a "request" from an employee when the supervisor has knowledge that the qualifying reasons exist. It is the responsibility of the supervisor to make this designation; if there is doubt, the supervisor should consult with the Personnel Manager. Whenever, an employee is absent due to a serious health condition or another FMLA condition, the employee should be given the FMLA Notice of Eligibility and told that the leave taken may be designated as FMLA leave. As soon as the supervisor has sufficient knowledge that the leave requested or taken qualifies for FMLA, the leave must be designated as FMLA. The FMLA Designation Notice should be used, but is not required. Leave will not count for FMLA unless it is designated.

Certifications of Leave

- Employee's and/or Family Member's Serious Health Condition

The County may require certification for the employee's serious health condition or the family member's serious health condition. The employee must respond to the request for certification within 15 calendar days from receiving the Notice of Eligibility (if the Notice indicates that certification is required). Failure to comply with the certification requirement may result in delay or denial of leave or the employee's reinstatement following leave, in which case the employee's leave of absence would be unauthorized, subjecting the employee to discipline up to and including termination.

If an incomplete health care provider certification is received, the employee will be requested to either have the health care provider correct the certification or provide a written release for the Personnel Manager to contact the health care provider directly. The employee will have 7 calendar days to resolve any deficiencies in the medical certification. If, after 7 calendar days the identified deficiencies have not been resolved, the FMLA request may be denied.

The County may request recertification and/or a second opinion for the serious health condition of the employee or the employee's family member in accordance with the regulations under the FMLA. In such cases, the County will choose a health care provider to provide the second opinion and will pay the cost. If the first and second opinions differ, the County may require a third opinion. The health care provider giving the third opinion will be jointly approved by the County and the employee. The third opinion will be binding on both parties. The County will pay the cost of the third opinion.

If, after the initial medical certification, the employee needs to renew or change the leave request, the additional or amended medical certification form should be submitted to the Personnel Manager. Recertification will be necessary when the employee seeks an extension. The employee must provide a new medical certification in each subsequent leave year. The County may require recertification of the ongoing need for leave every 30 days or more often depending on circumstances.

- **Qualifying Exigency for Military Caregiver Leave**

The County may require certification of the qualifying exigency for military family leave. The documentation (i.e. military orders) should be sent to the Personnel Manager. The employee must respond to such a request within 15 calendar days of the request. Failure to comply with the above mentioned requirements may result in delay or denial of leave or reinstatement from leave, in which case the employee's leave of absence would be unauthorized, subjecting the employee to discipline up to and including termination.

- **Serious Injury or Illness of Covered Service Member for Military Caregiver Leave**

The County may require certification for the serious injury or illness of the covered service member. The certification must be submitted to the Personnel Manager. The employee must respond to such a request within 15 calendar days of the request. Failure to comply with the above mentioned requirements may result in delay or denial of leave or reinstatement from leave, in which case the employee's leave of absence would be unauthorized, subjecting the employee to discipline up to and including termination.

Approval/Denial Notice

Once the County receives a completed health care provider certification (if such certification has been requested), the employee will be notified within 5 business days whether or not the leave is approved along with a designation of the leave as FMLA. If an employee has used sick leave for a condition that progresses into a serious health condition, and the employee requests additional medical leave, the County will designate all or some portion of the leave already taken as FMLA leave, to the extent that the earlier leave falls under the FMLA requirements. Retroactive designation may only be used when the FMLA qualifying condition requires or progresses into continuous leave.

Intermittent Leave

Eligible employees may take FMLA leave intermittently (in blocks of time), or by reducing their normal weekly or daily work schedule, when medically necessary for their own or an immediate family member's serious health condition or for the serious injury or illness of a service member. Intermittent FMLA leave use must be carefully reviewed and supported by medical certification. Intermittent FMLA is also available for leaves due to a qualifying exigency. Employees who require intermittent leave or reduced-schedule leave must try to schedule their leave so that it will not disrupt the work unit's operations.

Depending on the needs of the work unit at the time a request is made, intermittent FMLA leave may be

taken for the birth of a child or to care for a newborn or newly adopted child who does not have a serious medical condition with the permission of the Department Head.

Leave Notification Procedures

Absent unusual circumstances, employees desiring to take FMLA leave must comply with the County's customary call-in/notification procedures for requesting leave. At such time, the employee should indicate the reason for the leave with sufficient specificity to alert the supervisor that the need may qualify under FMLA.

Employee Benefits While on Leave

While an employee is on FMLA leave, the employee's health care benefits will continue at the same level and under the same conditions as if the employee had continued to work, as long as the employee pays the employee's portion of the health care premium. While on paid leave, the County will continue to make payroll deductions to collect the employee's share of the premium.

Employees retain their employment status during the period of leave. An absence covered by FMLA leave will not be considered a break in service for purposes of determining an employee's longevity, or any employee benefit plan.

Continued Participation in Life Insurance and Disability Plans While on Leave

If the employee contributes to a life insurance or disability plan, the County will continue making payroll deductions while the employee is on paid leave. If the employee is on unpaid leave, the employee desiring to continue health benefit coverage must make financial arrangements for the payment of his portion of the premiums

Job Reinstatement

An employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. There are 2 exceptions to the reinstatement guarantees:

- When the original job assignment ended or the original position is eliminated during the FMLA leave due to reduction in force, reorganization, or if the employee would not otherwise have been employed even if leave had not been taken.
- "Key Employees" have limited reinstatement rights. A Key Employee is a salaried employee who is in the top 10% percent in compensation. The County will notify an employee at the commencement of leave that the employee is a Key Employee and provide a more detailed notice of the employee's job restoration rights. Key employees are entitled to FMLA leave but are not entitled to job restoration if re-employment after the conclusion of the leave will cause a substantial and grievous economic injury to the County.

Failure to Return after FMLA Leave

An employee who fails to return to work after FMLA leave (end of certification, release to return to work, or exhaustion of leave entitlement) may be subject to termination of employment. If an employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the employee will be required to reimburse the County the amount it paid for the employee's health insurance premiums during the leave period.

Notice Requirements for Returning from FMLA Leave

Employees are expected to be able to return to work at the end of their approved leave. Prior to returning from leave taken for the serious health condition of the employee, the employee may be required to provide a medical release from the healthcare provider. If the employee is released to return to work with restrictions, the Department Head in consultation with the Personnel Manager will consider whether the restrictions can be met in the workplace or if a reasonable accommodation can be made. Restrictions are those that prevent the employee from performing their regular duties at the end of the approved leave due to a continuing medical condition.

If an employee is able to return to work sooner than the return date listed on the leave approved form, the employee should notify their supervisor within two (2) business days of receiving the release.

Workers' Compensation and FMLA

FMLA and Workers' Compensation run concurrently if the injury meets the definition of a serious health condition under FMLA. FMLA requests for work injuries involving Workers' Compensation may follow a different process with respect to the verification or clarification of the medical certification.

Health Benefits

When FMLA leave is paid leave, an employee will maintain the same benefits under the same terms as if working. If the employee is on unpaid leave, continuation in the health care plan is permitted, provided that the employee continues to pay for the employee's share of the premiums. If the employee fails to make the premium payments, the employee will be provided written notice of this failure and an additional 15 days to make payment in full. If payment is not made after this notice, health benefit coverage will cease. If the employee does not return to his position at the conclusion of the FMLA leave, and the reasons for not returning to work do not relate to the qualifying FMLA condition, the County can seek to recover the costs of the health care benefits received during the FMLA period.

Civic Leave

An employee will be granted leave with pay for the time serving on a jury, or attending court or an administrative proceeding as a witness (including grievance proceedings). See Virginia Code § 18.2-465.1. Appearing as a witness or in a proceeding that arises from a personal dispute is excluded. If such service is required as part of the employee's job with the County such time shall be counted as hours worked. Should less than five hours of leave be required, an employee is expected to work the remaining hours in the work day. Civic leave may not be used for court or administrative hearings if the matter is personal.

An employee receiving compensation for civic duties (compensation does not include the amount that the court may give for expenses) shall either endorse the payment received over to the County or use annual or compensatory leave for the time serving the civic duties. To be compensated for such service, an employee must present the summons or subpoena and a copy of the payment received.

Bereavement Leave

In the event of a death in the immediate family (defined as father, mother, son, daughter, spouse, brother, sister, father-in-law, mother-in-law, grandmother, grandfather, of employee or spouse, or any relative who is domiciled in the employee's household), an employee will be given up to 3 days of paid time off in conjunction with the death and subsequent internment arrangements of the family member. In addition, an employee can use up to 2 days of sick leave for funeral purposes. During a calendar year, an employee may only be granted funeral leave for 2 deaths.

Military Leave

An employee who is called for active or training duty by the United States Army, Navy, Air Force, Marines Corps, and Coast Guard (or as a member of the reserve components,) or by the Governor will have job restoration rights if (1) notice of the call for duty is provided to the County, (2) the employee has not previously used 5 years of military leave during his course of employment with the County, (3) the employee is honorably discharged, and (4) the employee upon the conclusion of military service reports back to work within the statutorily established time periods.

Unless the call for service does not allow, an employee must give the County advanced notice, either orally or in writing, of the call to military service. The County requests that an employee complete a leave request form and provide a copy of the military orders prior to departure. If an employee without justification fails to provide this notice, the employee will not be entitled to be restored to his job at the conclusion of the leave. If military orders were not provided prior to departure, in order to assure job restoration rights, an employee must provide such orders or evidence of military service.

An employee desiring to return to his position after military service must report back to work within these periods of time (travel time not included):

- Less than 30 days of service - within 8 hours of the first regularly scheduled work day after returning home.
- 31-180 days of service - within 14 days of completing military service.
- Over 181 days of service - no later than 90 days of completing military service.
- If the employee is incapacitated, injured, or ill from an illness or injury incurred during military service, the days allotted to report to work commences at the date that the employee recovers from such incapacity or illness provided that two years have not lapsed since discharge.

An employee on military leave who at time of call to duty is not a temporary employee will receive 15 days of paid leave per federal fiscal year; the remainder of the leave will be unpaid leave. The period of military service will count for the purposes of benefits as if the employee had remained employed in County employment. To supplement the military pay received, an employee may use accrued annual leave.

When an employee is called to military service, the employee, if otherwise eligible for participation in the health plan, will be able to retain health care coverage for the remainder of the "stability" period under the Affordable Care Act; thereafter, the employee has the right to elect under COBRA continuation of health plan coverage for up to 18 months or for the duration of the military leave whichever is shorter. The County

will provide the election forms in order that the employee and other covered individuals receive notice of their right to elect continuation coverage.

Upon return from military service the employee will be placed in the position the employee would have held if he had been continually employed. If the employee is no longer qualified to perform the duties of the former position, the employee may be placed in a position of like seniority status and pay. The County, at its election, may fill on a temporary basis, the position vacated by the employee on military leave.

An employee who had been called to federal active duty services under Title 10 of the United States Code and had been killed during the tour of duty, the Commonwealth of Virginia provides a death benefit in the amount of \$20,000. This payment is in addition to any other death benefits the employee may be entitled through the Virginia Retirement System.

Leave Without Pay

Leaves of absence without pay may be granted for very limited purposes other than Family and Medical Leave. A leave of absence without pay is not allowed until all balances of applicable leave with pay have been used.

A leave of absence without pay may be granted by the County Administrator for reasonable cause such as:

- Approved educational leave for a course of studies in excess of such leave allowable with pay (see section "Education").
- Military leave in excess of previously established limits.
- Temporary reduction in work load or requirements.
- Purposes of annual and sick leave not otherwise covered
- Accommodating a person with disabilities
-

In granting a leave without pay, the employee remains an employee of the County and may be entitled to certain benefits such as continued participation in the health care plan. If an employee fails to return to his position at the end of the leave without pay period, the employment relationship will terminate and the records will show that the reason for the termination was the failure to return to position/voluntary quit.

Education

The Local Government Education Pool is set up to stimulate and assist educational advancement among local government employees.

The Local Government Education Pool is not intended to take the place of individual department's education/training funds. It is specifically designed to supplement self-initiated education that is not covered under the direct purview of standard or yearly education/training. These monies will be provided in the form of a local scholarship grant used to reimburse employees for pre-approved educational opportunities for up to half of the total cost, not to exceed \$500 per application.

A fulltime employee may apply for the funds via an application that would be submitted to the County Administrator. for processing and presentation to the Board of Supervisors. Criteria will be developed for the Board to objectively evaluate each application based on relevance to current position and how the education opportunity will benefit the County

Unemployment Benefits

Employees laid off, dismissed, or otherwise terminated by action of the County for reasons other than gross misconduct or improper acts occurring in association with work may apply for and may receive unemployment compensation benefits under the rules and regulations of the Virginia Employment Commission. When a supervisor receives a "Report of Employer's Separation" from the VEC, the form should be immediately forwarded to the Personnel Manager for completion and return to the VEC.

Retiree Benefits

Defined Retirement Benefit Plan

Employees who are employed full time are required to participate in the Virginia Retirement System (VRS). Contributions to the plan are made by the County on behalf of the employee. Further information on the plan and the benefits received may be found at www.varetire.org.

Life Insurance

An employee participating in the VRS Group Life Insurance Program may purchase additional coverage through the Optional Group Life Insurance Program. Optional group life insurance provides benefits for natural and accidental death or dismemberment. If the optional group life insurance coverage is elected, an employee also may cover his spouse and dependent children. The premiums must be paid through payroll deductions.

Health Plan Benefits

An employee with at least 5 years of full time employment with the County, who has retired from a position with the County and is eligible for Medicare may elect to have supplemental Medicare benefits by participating in the County's health plan as a retiree. For information on the costs and the terms of participation in the retiree health plan program, the employee should contact the Personnel Manager. If an employee is disabled there is no minimum age or service requirement.

Health plan benefits are available to each employee who is in a full-time position and others who qualify for health care coverage under the Affordable Care Act. Information on the plan(s) offered and the choices for participation of family members in the plan(s) will be provided to each employee upon hiring and during the open enrollment period. The office of the Personnel Manager has information and facts sheets available.

Employees and family members participating in the health plan(s) have continuation rights when employment terminates or eligibility for coverage otherwise ends. The rights to elect continuation coverage and the steps to do so will be provided to employees at the time coverage terminates. Employees desiring to review the COBRA Notice may do so at any time.

CHAPTER VII HEALTH AND SAFETY

Workers' Compensation

The Virginia Workers' Compensation Act provides benefits to an employee in the event of certain work-related injuries, occupational diseases, or deaths ("work-related medical event"). If the work related medical event is compensable medical, disability, and/or death benefits may be awarded.

A work related medical event, no matter how insignificant, must be reported to the supervisor as soon as possible, but within 24 hours. The supervisor is responsible for obtaining necessary additional information, including the contact information for all treating health care providers from the employee and immediately reporting the information to the Personnel Manager. If other employees were observers of the incident or event, the supervisor should interview them as soon as possible. The Personnel Manager may request the employee to provide a HIPPA release form in order to contact the health care providers

As soon as a report of work related medical event is made, the supervisor should ascertain the following information:

- Employee's name and job responsibilities
- Nature and extent of the injury
- Date and time of injury
- Cause of work related medical event
- Place, time, and circumstances where work related medical event occurred
- Nature of any medical services required
- Any known or projected time lost from work as a result of the work related medical event

This OSHA form must be completed and submitted to the Personnel Manager or County Administrator by the close of business that day, but no later than 24 hours after the accident, injury, or illness.

An employee who is seeking treatment for a non-life threatening work related medical condition or injury should call the Company Nurse Injury Hotline 1-888-770-0925 prior to seeking treatment. When medical treatment is necessary but not life-threatening, the employee must go to the Bland County Medical Clinic. In the event an injury requires immediate medical attention, the employee may go directly to the nearest hospital emergency room.

If an employee is unable to report to work because of a work related medical event that is found to be compensable under the Virginia Workers' Compensation Act the employee will be compensated for lost wages as provided by law. Workers' Compensation payments for lost work time do not begin until after the first seven (7) calendar days; however, if the disability continues for three (3) weeks, the employee will be compensated for the first seven (7) days of lost salary or wages.

To avoid any loss of pay, an employee may use accrued paid leave to cover the first seven (7) days, if needed. If the employee receives compensation for the first seven (7) days, and has used paid leave balances for that period, the employee must reimburse the County by paying the County the full amount of the hours used. Once such payment is received the leave will be restored to the accrued leave balances.

Workers' Compensation benefits pay up to 66 2/3% of the full amount of the salary or wages that the employee would have earned. Full-time and regular part-time employees may use their accrued paid leave to supplement the compensation provided under Workers' Compensation to make the employee suffer no

lost wages. The rules for accrual of leave will apply to employees absent from work due to a work related medical event.

Occupational Safety and Health

The County attempts to provide a safe and healthy working environment for all employees by providing the necessary safety education and training. Employees shall follow all prescribed safety procedures when performing their daily activities and shall further exercise all reasonable and prudent judgment to ensure safety. If an employee does not know, or is uncertain, on how to properly operate equipment, before doing so they should seek training from the supervisor or Department Head.

Each supervisor has the responsibility for ensuring that the various work centers are free from any recognized hazards that might lead to death or injury. Further, it is the responsibility of each employee to perform all work in a safe manner. All hazards, deaths, injuries, and illnesses that occur on County property or while performing work duties off-site must be reported to the County Administrator by the close of business that day, but no later than 24 hours after the accident, injury, illness or of discovery of the safety violation.

Employees are directed to utilize all applicable safety procedures and to perform all work in a safe manner. Employees are responsible for bringing to their supervisor's attention any potential hazards that might exist within their workstation. Supervisors are responsible for developing and maintaining work safety rules and for providing these rules in writing to their subordinates.

Specifically, employees shall:

- Report all injuries, regardless of severity, to the supervisor immediately but no later than 24 hours. If the supervisor is not available, the injury must be reported to the County Administrator before medical treatment is sought unless the injury is one requiring emergency treatment.
- Report and, if possible, correct all unsafe conditions or acts.
- Avoid horseplay and mischief, which could cause injury.
- Take all standard safety precautions to prevent injury.
- Follow all safety rules.

Vehicular Accident Reporting

Reporting

When involved in a vehicular accident ("Accident"), all of the following must be reported by the employee and any other employee who witnessed the event to the immediate supervisor (if not available, the report should be made to the County Administrator); the supervisor must immediately inform the Personnel Manager of the accident.

- a. All injuries to the employee or other person(s) and/or damage to property occurring during the course of business
- b. All accidents involving County-owned or issued vehicles or equipment, whether or not occurring during the course of business;
- c. All accidents involving personal vehicles or equipment used during the course of business.

Employee Responsibilities

Unless transported from the accident scene for medical treatment or otherwise unable to act (e.g. undergoing medical care), the employee involved in a job-related accident involving a vehicle or equipment must immediately:

- a. Render aid to other parties if possible and necessary;
- b. Call for medical assistance, if required;
- c. Report the accident and any injuries, no matter how minor, to local law enforcement (the Bland County Sheriff's Department must be called in to make a report on any accident involving a County vehicle or a private vehicle). If the Bland County Sheriff's Department is unavailable or if the accident is not in Bland County, the Virginia State Police or local law enforcement must be contacted.
- d. Arrangements must be made to have the law enforcement investigative report sent to the Personnel Manager.
- e. Notify your supervisor (or the County Administrator) as soon as possible, including after hours and weekends;
- f. Immediately notify the Personnel Manager, if after hours, notification should be first thing the next business day;
- g. Obtain name, address, phone number, and name of insurance company of other party;
- h. Record the name, address, and phone number of any witnesses and note the specifics of the Accident, if possible;
- i. Take pictures of the accident scene and all vehicles/persons involved, if possible and provide the County with such photos;
- j. Be courteous
- k. Do not make or sign any statement for anyone other than the law enforcement officer responding to the scene;
- l. Remain at the scene until excused by law enforcement;
- m. Except as required by law, do not discuss or reveal information or provide statements to non-County personnel subsequent to the Accident (spouses excluded). This does not prohibit cooperation with law enforcement investigations into the Accident;
- n. Arrange towing of damaged vehicle, if necessary; and
- o. Submit to all requested post-Accident testing as directed by the supervisor or County Administrator.

Administrative Investigation

- a. The Department Head, or other person assigned by the County Administrator will conduct an administrative investigation into the circumstances of the accident and will complete an Accident/Incident Report that includes a statement of the facts and analysis as to cause. The report will also include recommendations of any corrective action necessary to prevent a recurrence of such accidents. The Accident/Incident Report will be submitted as soon as possible to the Personnel Manager.
- b. The Personnel Manager, if necessary, will investigate the accident further and review the law enforcement accident report, if applicable. An Accident/Incident Report containing all pertinent information, including suspected cause, employee actions, and recommended corrective action. The Accident/Injury Report will be forwarded to the County Administrator for review.

Examinations and/or Tests

An employee who is involved in an accident may be required to undergo examinations and/or tests

as appropriate which may include post-accident drug and alcohol testing and other medical, mental, or physical examination(s) that may be warranted under the circumstance.

Workplace Violence and Disrespect

The County has no tolerance for violence or disrespect in the workplace or on County property. Acts of violence includes both physical as well as verbal assaults that harm others such shoving, pushing, brandishing a weapon, making unwelcomed body contact, etc. and verbal acts that are or are likely to harass, intimidate, coerce, and threaten violence.

If an employee displays any violence in the workplace, while performing work duties, or threatens violence in such settings, the employee will be subject to immediate discipline, up to and including discharge, and criminal charges.

Employees can help prevent violence in the workplace by reporting actions that they observe in the workplace that could indicate that a coworker is in trouble. Co-workers often are in a better position than management to know what is happening within the work environment. Concerns should be reported immediately to the supervisor, Department Head, or Personnel Manager.

Alcohol and Drug Free Workplace

All County workplaces shall be free from drugs and alcohol. The unlawful manufacture, distribution, dispensation, possession, or use of an illegal drug, controlled substance, or alcohol is prohibited in any County workplace. A “controlled substance” is any illegal drug or any controlled substance listed in Schedule I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 801). Employees shall not be involved with activities involving the unlawful application, possession, market, or transfer of controlled substances in any manner.

In enforcing these restrictions, the following is required:

- An employee who has reason to believe that the performance of another employee is impaired by a controlled substance or alcohol shall immediately notify the supervisor or County Administrator.
- No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, prescribed medication, or alcohol.
- Any employee convicted under a federal or state statute regulating controlled substances must immediately notify their supervisor and Personnel Manager within 5 days after the conviction.
- No employee shall be impaired by alcoholic beverages or illegal drugs during work hours or consume such while at work during breaks or lunches.
- No employee shall represent the County in an official capacity while impaired by alcohol, illegal drugs, or medication.
- No employee using medication that may impair performance shall operate a motor vehicle or engage in safety sensitive functions while on duty for the County.
- An employee may not dispense prescribed medications to others.
- If an employee is using prescription or non-prescription medication that may impair performance of duties, the employee must report that such medications to the Personnel Manager.
- An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify Personnel Manager immediately.

- Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or non-prescribed use of medication, appropriate employee disciplinary action, up to and including termination, will be taken if an employee uses, distributes, or reports to work impaired by such substances.
- An employee must notify the County Administrator in writing of a conviction for a violation of a criminal drug statute occurring in the workplace no later than 5 calendar days after such conviction. The County is required to inform all federal contracting or granting agencies from which the County has received a grant or award of financial assistance within 10 calendar days after receiving actual notice that an employee has been convicted of a criminal drug statute violation occurring in the workplace.

Drug and Alcohol Testing

General

The County reserves the right to test all employees and applicants for the presence of controlled substances and/or alcohol under the following situations: (1) applicants after a conditional offer of employment is made; (2) on a random basis for safety sensitive positions (law enforcement, fire fighters, dispatchers, and other that are in positions that may cause serious harm to others through actions that are compromised by the effects of drugs or alcohol) and positions requiring a Commercial Driver's License; (3) upon reasonable suspicion that an employee is using a controlled substance and/or alcohol or is under the influence of a controlled substance and/or alcohol; (4) upon returning to work after a serious on-duty or off-duty accident that involved the use of alcohol and/or a controlled substance or after the employee has tested positive for controlled substance or alcohol use while on duty; and (5) on a random basis with the employee's consent.

Procedures for Reasonable Suspicion Testing

When a supervisor observes job performance that may be impaired by drugs or alcohol, the supervisor shall question the employee with regard to the behavior and document the behavior by completing the Reasonable Cause Observation Checklist Form available from the Personnel Manager. Indications of impaired behavior include but are not limited to the following when otherwise not normally present (i.e. physical or mental impairments due to a disability): staggering or irregular gait, the odor of alcohol on the breath, slurred speech, dilated or constricted pupils, inattentiveness, listlessness, hyperactivity, performance problems, illogical speech and thought processes, poor judgment, or unusual or abnormal behavior. After consulting the Personnel Manager, a determination shall be made as to whether the employee's behavior is impaired to the point of being unable to perform his duties effectively and safely or as a result of the unauthorized use of controlled substances. The employee may be relieved of his duties and placed on suspension with pay until a clear determination can be made as to the abuse or non-abuse of drugs or alcohol.

If there is reasonable cause to believe that drug or alcohol consumption has been or is involved, a drug or alcohol test shall be ordered. The test must be conducted within a reasonable time period after the observation of the behavior.

Employees with Commercial Driver's License

Pursuant to the Omnibus Transportation Employee Testing Act of 1991 and the implementing regulations (49 C.F.R., Parts 40 and 382, et. al.) and this policy, the following applicants and employees for positions requiring a Commercial Driver's License (CDL) will be tested for controlled substances and/or alcohol

under the following situations:

- a. Prior to hiring, if the position is safety-sensitive;
- b. On a random basis;
- c. Post-accident testing for accidents involving an employee:
 - Who was performing safety sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
 - Who receives a citation within eight hours of the occurrence under state or local law for a moving traffic violation arising from the accident, if the accident involved:
 - bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- d. Upon reasonable suspicion; and
- e. Upon return-to-duty and follow-up testing in accordance with 49 C.F.R. part 40, subpart.

Refusal to Submit to Test

Applicants for safety sensitive positions who refuse to submit to a pre-employment controlled substance and/or alcohol test shall be removed from consideration for employment. Employees who refuse to submit to a controlled substance and/or alcohol test under the conditions set forth above will be subjected to disciplinary action, including termination.

Consequence of Positive Controlled Substance or Alcohol Test

When a controlled substance or alcohol test is positive, or when an employee engages in the prohibited conduct by this policy, the employee may be disciplined for such conduct. The discipline may be a suspension or termination depending upon the circumstances.

Notwithstanding the requirements above, no employee required to have a Commercial Driver's License (CDL) who has engaged in conduct prohibited by Section II may perform safety-sensitive functions, including driving a commercial motor vehicle, unless the employee has met the requirements of 49 C.F.R. part 40, subpart O.

Reporting Criminal Drug Conviction

Employees must notify the County Administrator in writing of a conviction for a violation of a criminal drug statute occurring in the workplace no later than 5 calendar days after such conviction. The County shall inform all federal contracting or granting agencies from which the County has received a grant or award of financial assistance within 10 calendar days after receiving actual notice that an employee has been convicted of a criminal drug statute violation occurring in the workplace.

CHAPTER VIII DISCIPLINE AND SEPARATION FROM EMPLOYMENT

Cause for Disciplinary Action

Listed below are some of the reasons which might be cause for formal disciplinary action (a written “Disciplinary Notice”; disciplinary action is not limited to the offenses listed.

Less Serious Misconduct

- Tardiness, unsatisfactory attendance, failure to obtain permission for a delayed arrival at work, an early departure from work, an extended lunch break, or an absence from work.
- Abuse of time while at work, such as unauthorized extended breaks, performing personal tasks or social gatherings during working hours.
- Failure to follow a supervisor’s instructions or to complete assigned work.
- Failure to abide by established County and/or departmental policies.
- Inappropriate communications, harassing behaviors, disrespectful (hostile, angry, combative, etc.) communications to others.
- Failure to abide by the established workplace safety rules.
- Unsatisfactory job performance.
- Unauthorized and/or personal use of computers, software or data, or unauthorized disclosure of access methods or passwords.
- Unauthorized use or misuse of County property or records.
- Unauthorized disclosure of information not otherwise made public by County officials.

More Serious Misconduct

- Deliberate disregard or indifference to a specific instruction given by the supervisor or to a written policy.
- Unauthorized absence for two or more consecutive working days or repeated instances of unauthorized absences or late arrivals.
- Use of alcohol or intoxication while on the job.
- Use, possession, distribution, or sale of unlawfully possessed or obtained controlled substances during working hours, while on the work site, or in County facilities.
- Willfully falsifying or damaging County records or property.
- Theft, unauthorized removal, or unauthorized use of County property.
- Gambling during work hours or while at the worksite.
- Deliberate disregard for safety rules where there is a likely threat to life or health, failing to report a workplace health or safety violation.
- Unauthorized use or unauthorized possession of firearms, dangerous weapons, or explosives while on duty or at a worksite.
- Threatening or harassing other employees or a member of the public.
- Accepting or offering bribes, accepting benefits or privileges in exchange for services.
- Criminal conduct occurring on or off the worksite that is related to job performance or could affect public confidence in the employee’s ability to perform County business.
- Any act that is physically or verbally threatening, or any action that may carry the potential to harm or endanger the safety of others, to result in an act of aggression or to destroy or damage

- property.
- Conviction of a moving vehicle violation while using a County vehicle or driving a personal vehicle while on work time.
- Reporting to work or working under the influence of alcohol or illegal substances. (Some departments may have a policy that delineates this prohibition more comprehensively, with approval by the Department of Human Resources.)
- Sleeping during working hours or other inattentive/nonresponsive behaviors while performing job duties.

Corrective Actions

A Department Head, subject to the approval of the County Administrator and appeal rights of the employee stated herein, may take one of the informal actions to correct performance deficiencies:

Oral Reprimand

It is the responsibility of the immediate supervisor to recognize and handle performance issues in employees under their supervision. Prompt performance counselling is desirable. It is the first (and often the only) step that may be necessary to improve performance. When rule violations occur, the supervisor should impress upon the employee the need for immediate corrective action. This is called an oral reprimand. It can eliminate misunderstandings immediately and set the desired standards of conduct and performance. No formal, written record is kept of oral reprimands.

Written Reprimand

Should oral reprimands fail to achieve improved behavior, it is likely a written record is needed. This is called a written reprimand. It discusses the nature of the employee's offense, the efforts made previously to correct the problem, and often it warns the employee of future actions that may be taken if the matter is not corrected. A copy of the written reprimand is sent to the employee, and on to the County Administrator for the employee's personnel file. After a period of thirty-six months the reprimand may be destroyed if the employee's performance and conduct have been satisfactory during that time. The employee may write a letter which responds to the reprimand and which will be attached to the reprimand sent to the County Administrator.

Written and oral reprimands, performance counseling, and supervisory instructions are not grievable.

Demotions

Demotion of an employee may occur when it is determined that the work has not been satisfactory, dismissal does not appear warranted, and/or the employee should be retained and assigned less difficult work.

Suspensions

Suspension of an employee may occur when temporary separation from employment is required for disciplinary purposes where the case is not sufficiently grave to merit dismissal. An employee may be suspended by his department/agency head subject to the approval of the County Administrator without pay for a period not to exceed thirty (30) working days within one (1) calendar year.

An employee may be suspended by the County Administrator for a longer period, pending the investigation or trial of any charges that may be lodged against him. The fact that a person is acquitted of the charge does not necessarily mean the suspension or other disciplinary action will be revoked. An employee who

is to be suspended indefinitely pending the outcome of an investigation or a trial, will be told of the grounds of the suspension and be given an opportunity to respond to the grounds prior to the suspension taking effect.

Dismissals

An employee may be recommended for discharge or separation from employment by his department head, subject to the review and approval of the County Administrator, for delinquency, misconduct, insubordination, inefficiency, inability to perform work satisfactorily, or other just cause. The County Administrator shall give the employee written notice of his dismissal, including the reasons.

Reductions in Work Force

When the need to reduce or reconfigure a work unit arises, a reduction in work force may result. If a reduction in or restructuring of the work force is necessary, the County Administrator should develop a plan for implementing the reduction. Factors that should be considered when developing such a plan include work units to be affected, how positions that may be impacted will be identified, timing for the reductions, how employees will be notified, and method for job restructuring. With each position that is eliminated or changed, other positions will be affected. Accordingly, it is important that the plan focus on management needs and not on persons who may, or may not, be affected.

The plan should address how selection will be made between two employees in the same position and what factors will be used to determine which employee selected to be laid off. Prior performance can be one of the factors, but other factors to be considered should be the qualifications of each for the newly reconfigured position. With all things being equal, value will be given to seniority; employees in temporary positions shall be considered first for lay off.

Each employee laid off shall be given a written notice. Whenever practicable, this notice should be given at least three (3) days prior to the effective date and should include the reasons for the lay-off, the effective date, and any other information deemed necessary by the County Administrator.

Resignation

An employee may resign at any time. To resign in good standing, an employee should provide notice of the resignation in writing to the supervisor two (2) weeks prior to the effective date of resignation. If the resignation is not submitted in a timely manner, with at least a two (2) week notice, payment for accrued leave may be forfeited. A resignation does not have to be formally accepted to be effective. An employee may only withdraw his resignation with the approval of the County Administrator.

Payments on Employee's Death

With the death of an employee any compensation due to the employee shall become payable to his estate. Such compensation may include any unpaid earnings, paid leave, and other compensation to which the employee may be entitled under these Policies.

CHAPTER IX GRIEVANCE PROCEDURE

Access to Procedure

All County employees who have successfully completed their probationary period and hold positions classified (position established as regular, non-temporary) full-time or part-time shall have access to the grievance procedure.

The following categories of employees do not have access to the grievance procedure:

1. Temporary, limited term and seasonal employees;
2. Appointees of elected groups or individuals;
3. Agency heads or chief executive officers of government operations;
4. Officials and employees who by law serve at the will or pleasure of an appointing authority;
5. Employees whose terms of employment are limited by law;
6. Deputies and executive assistants to the County Administrator.

Notwithstanding the exceptions set forth above, the Board of Supervisors, in its sole discretion, may voluntarily include employees in the above categories under the grievance procedure.

The County Administrator or his designee shall determine the officers and employees excluded from the grievance procedure, and shall be responsible for maintaining and up-to-date list of the affected positions.

Other Exclusions from the Grievance Procedure

Resignations: An employee who has voluntarily resigned may not have access to the grievance procedure after the effective date of the resignation. However, any grievance initiated by an employee prior to separation from service may, at the employee's option, continue to be processed through the grievance procedure.

Grievance Initiated After Removal: An employee who has been removed shall not have access to the grievance procedure, except to grieve a termination resulting from formal discipline, unsatisfactory job performance, or an involuntarily resignation; or a disciplinary action which occurred less than 20 calendar days before the removal. Such grievance must be filed within 20 calendar days of the dismissal date.

Definition of Grievance

- **Grievable Issues:** A grievance shall be a complaint or dispute by an employee relating to his or her employment, including but not necessarily limited to:
 1. Disciplinary actions, including dismissals, disciplinary demotions, and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance;
 2. The application of personnel policies, procedures, rules and regulations including the application of policies involving matters referred to in section 3 below;
 3. Acts of retaliation as a result of utilization of the grievance procedure or of participation in the grievance of another employee;
 4. Complaints of discrimination on the basis of race, color, creed, political affiliation, age disability, national origin, or sex;

5. Acts of retaliation because of the employee has complied with any law of the United States or of the Commonwealth of Virginia, has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States or the General Assembly of Virginia.
- **Nongrievable Issues:** Management reserves the exclusive right to manage the affairs and operations of local government. Accordingly, the following complaints are nongrievable:
 1. Establishment and revision of wages or salaries, position classification or general benefits;
 2. Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be part of the job content;
 3. The contents of established personnel policies, procedures, rules and regulations, ordinance or statutes;
 4. Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly;
 5. The methods, means, and personnel by which work activities are to be carried on;
 6. The relief of employees from duties in emergencies;
 7. The hiring, promotion, transfer, assignment and retention of employees, except where such action affects an employee who has reinstated within the previous six months as the result of the final determination of a grievance, termination, layoff, demotion or suspension from duties because of lack of work, reduction in work force, or job abolition; in any grievance brought under this subsection, the action shall be upheld upon a showing by management that: (a) there was a valid business reason for the action, and (b) the employee was notified of the reason in writing prior to the effective date of the action.
 8. The measurement and assessment of work activity through a performance evaluation, except where the employee can show that the evaluation was arbitrary or capricious.

Grievance Steps/Management Review

Most employee concerns or complaints can be resolved through communication between the employee and the supervisor or through the several complaint procedures in earlier sections of these Rules. Accordingly, employees are encouraged to take their complaints informally to their supervisors as soon as possible.

Grievance Steps

Employees may pursue grievable issues through the grievance procedure. Personal face-to-face meetings are required at all management review steps.

- **First Step**
 1. The employee (or former employee) shall identify the grievance verbally to his immediate supervisor in an informal discussion format face-to-face meeting within 20 calendar days after the event or action which is the basis for the grievance. The immediate supervisor shall be the person who is responsible for evaluating performance and/or assigning the employee duties and overseeing the employee's performance. If the grievance deals with a charge of discrimination against the immediate supervisor, the employee shall be permitted to initiate the grievance directly with the County Administrator.

2. The immediate supervisor shall give a verbal response to the employee within five (5) work days following the meeting.
3. If resolution is not reached at this point, the employee shall submit the grievance in writing preferably on Grievance Form A to the immediate supervisor within five (5) work days of the verbal response. The nature of the grievance and the specific relief requested should be clearly stated. If the grievance deals with a disciplinary action (including dismissal, demotion or suspension), the employee has the option of submitting Form A to the immediate supervisor or, if the immediate supervisor did not take the disciplinary action, to the individual who took the discipline. If the grievance deals with discrimination by the immediate supervisor, the employee may initiate the grievance with a supervisor or manager not directly involved with the matter grieved. Grievance Form A is available from the Personnel Manager.
4. The immediate supervisor shall give the employee a written response on Form A within five (5) work days of receipt of Form A.
5. An employee may appeal a nongrievable response to the County Administrator within five (5) work days of its receipt by checking the appropriate box on Form A.
6. The only persons who may be present in the first step meetings are the grievant, the immediate supervisor, and appropriate witnesses, if any, for each side. Witnesses shall be present only while actually providing testimony.

- **Second Step**

1. If the employee does not accept the response from the immediate supervisor (and the issue of grievability has not been raised) the employee should check on Form A the desire to advance the grievance to the County Administrator. The employee must submit the Form A to the County Administrator within five (5) work days following receipt of the immediate supervisor's response.
2. The County Administrator shall meet with the employee within five (5) work days after receiving the Form A. The persons present at this meeting are the employee, the County Administrator, and at the employee's option, a representative of his or her choice. If the employee is represented by legal counsel, management likewise has the option of being represented by counsel. Appropriate witnesses may be called; after testifying each witness is to be excused.
3. The County Administrator shall give the employee a written response on Form A within five (5) work days following the meeting.
4. If the employee wishes to advance the grievance to a panel hearing, the employee must indicate this on Form A and return it to the County Administrator within five (5) work days of receipt of the County Administrator's reply.

Qualification for Hearing

- Decisions regarding grievability and access to the procedure shall be made by the County Administrator, or his designee, at any time prior to the panel hearing, at the request of the management or grievant, within ten calendar days of the request. No County, town, or county attorney, or attorney for the Commonwealth, shall be authorized to decide the question of grievability. A copy of the ruling shall be sent to the grievant. Decisions of the County Administrator, or his designee, may be appealed to the Bland County Circuit Court for a hearing on the issue of whether the grievance qualifies for a panel hearing. Proceedings for review of the decision of the County Administrator, or his designee, shall be instituted by the grievant by filing a notice of appeal with the County Administrator within ten calendar days from the date of receipt of the decision and giving a copy thereof to all other parties. Within

ten calendar days thereafter, the County Administrator or his designee shall transmit to the Clerk of the Bland County Circuit Court: a copy of the decision of the County Administrator, a copy of the notice of appeal, and the exhibits. A list of the evidence furnished to the Court shall also be furnished to the grievant. The failure of the County Administrator or his designee to transmit the record shall not prejudice the rights of the grievant. The Court, on motion of the grievant, may issue a writ of certiorari requiring the County Administrator to transmit the record on or before a certain date.

- Within 30 calendar days of receipt of such records by the Clerk, the Court, sitting without a jury, shall hear the appeal on the record transmitted by the County Administrator or his designee and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The Court may affirm the decision of the County Administrator or his designee, or may reverse or modify the decision. The decision of the Court shall be rendered no later than the fifteenth day from the date of the conclusion of the hearing. The decision of the Court is final and is not appealable.

Hearing

The final step of the grievance procedure is a formal hearing before a grievance panel or hearing officer. To proceed to a formal hearing the grievance must be qualified by the County Administrator. Within five (5) days of receipt of the request for a hearing, the County Administrator shall notify the employee in writing whether the grievance qualifies and whether it will be heard by a three member grievance panel or a hearing officer. The following procedure shall apply:

Hearing Officer

If the grievance is to be heard by a hearing officer, the County shall within 5 calendar days request that the Executive Secretary of the Virginia Supreme Court appoint a hearing officer. All costs for the use of a hearing officer shall be the responsibility of the County.

Grievance Panel, Selection of Members

- A panel shall consist of three members.
 1. Each party shall select a panel member within five (5) work days after receiving the decision that the grievance qualifies for a panel hearing.
 2. Third panel member - The third panel member shall be selected by the other two panel members. If agreement cannot be reached on the selection of the third panel member, the County Administrator shall within the next five (5) work days request the chief judge of the Bland County Circuit Court to select the third panel member.
 3. In all cases, the third panel member shall be the chairperson of the panel.
- The full panel selection should be completed by the tenth (10) work day following receipt of qualification. However, this time may be extended in instances where agreement on a third panel member has not been reached.
- To insure an impartial panel, such panel shall not be composed of any of the following:
 1. Persons having direct involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to the grievance.

2. Managers who are in a direct line of supervision of grievant including all members of the County Board of Supervisors.
3. Attorneys having direct involvement with the subject matter of the grievance, or a partner, associate, employee or co-worker of such attorneys.
4. Relatives of a participant in the grievance process or of the spouse of a participant (e.g. spouse, parent, child, descendants of a child, sibling, niece, nephew, first cousin, aunt, uncle, grandparent).
5. Persons residing in the same household as the grievant or of the particular management-step supervisor or County Administrator.

Communication with Panel Members

- The parties shall not discuss the substance of the grievance or the problem giving rise to the grievance with any panel member prior to the hearing. Any matters requiring the attention of the panel must be communicated in writing to the panel with copies to all parties.
- A panel member is not to conduct an investigation into the substance of the grievance or review materials not made available to all panel members and parties.

Prior to the Hearing

- The full panel (hereinafter, when the word "panel" is used, it shall apply to either the grievance panel or a hearing officer) will set the date, time and place for the hearing, which should be held within ten (10) work days following the selection of the full panel. The panel chairperson shall immediately notify the parties of the hearing date. The panel shall conduct the hearing in Bland County unless the panel unanimously decides that another location is more appropriate.
- The County Administrator shall provide each panel member/hearing officer with copies of the grievance record, the Bland County Grievance Procedure prior to the hearing, and provide the grievant with a list of the documents furnished to the panel, and the grievant and his attorney, at least ten (10) days prior to the scheduled panel hearing, shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding. Other information may only be submitted at the hearing in the presence of the parties.
- No later than seven (7) work days prior to the scheduled panel hearing, the parties shall exchange all documents, exhibits and lists of witnesses to be used or introduced at the hearing.

Hearing Procedure

- At the panel hearing, the parties may be represented by legal counsel, or other representative of their choice. Such representative may examine, cross-examine, question or present evidence on behalf of the party before the panel.
- Presentation of Evidence
 1. At the option of each party, opening statements may be made at the beginning of the hearing and the panel may ask for such statements in order to clarify the issue(s) involved in the grievance.
 2. The County and thereafter the grievant, or their representatives, shall the present their claims, proofs, and witnesses who shall submit to questions or other examination. The panel may, at its discretion, vary this procedure but shall afford full and equal opportunity to all parties for presentation of any material or relevant evidence and shall afford the parties the right of cross-examination.

3. After the parties have had the opportunity to present their evidence, the panel chairperson shall specifically inquire of the parties whether they have any further proof to offer or witnesses to be heard. Upon receiving negative replies, the parties shall be given the opportunity to make closing statements summarizing their positions, following which the hearing should be closed.
- Evidence is to be taken in the presence of the panel and both parties, except by mutual consent of the parties.
 - Witnesses other than the parties may remain in the hearing only while giving their testimony.
 - Members of the panel may question anyone giving testimony in order to clarify points being made.
 - Panel hearings are not meant to be conducted as formal court proceedings and panels shall not be bound by the technical rules of evidence. Panels, however, should consider all material and relevant evidence produced at the hearing.
 - Exhibits offered by the parties may be received in evidence by the panel and, when so received, shall be marked and made a part of the record.
 - The parties shall produce such evidence as the panel may deem necessary to an understanding and determination of the dispute. The panel shall be the judge of the relevancy and materiality of evidence offered as well of the weight which it shall be given.

Panel/Hearing Authority

- The panel has the discretion to determine the propriety of attendance at the hearing of persons having a direct interest in the hearing and at the request of either party, the hearing shall be private.
- By majority vote the panel must decide procedural questions and rule on objections raised during the course of the hearing. When necessary, the panel may direct grievance procedure questions to a designee of the County Administrator who has had no prior involvement with the particular grievance or with the event or events giving rise to the grievance.
- There is no subpoena power to compel the attendance of witnesses. The panel may, however, on the request of either party, or in its own discretion, request the voluntary appearance of witnesses or the submission of documents.

After the Hearing

- Decision
 1. The panel shall render its written decision within ten (10) work days of the conclusion of the hearing. The reasons for the panel's decision must be set forth.
 2. The panel is to decide cases on the merits, not on compliance matters occurring prior to or during the hearings. Compliance issues should be referred to a designee of the County Administrator who has had no prior involvement with the particular grievance or with the event or events giving rise to the grievance.
 3. The panel, in rendering its decision, shall be guided but not necessarily bound by the relief specified by the grievant on Form
 4. However, any relief granted must be consistent with written policy.
 5. A panel by majority vote may uphold or reverse the action of the County Administrator or, in the appropriate circumstances, may choose a modified remedy.
 6. A panel's responsibility is to ensure the proper application of personnel policies and procedures. A panel does not have the authority to formulate or change policies or

procedures or to consider matters which have not been qualified for the panel hearing. The panel may, however, consider mitigating circumstances and modify management's action consistent with written policy.

7. Should the panel direct reinstatement, the panel has the authority to award full, partial, or no back pay for the period of separation. An award of back pay shall be offset by interim earnings the employee received during the period of separation.
8. Panels may not order damages or attorney's fees.
9. The panel chairperson shall distribute copies of the written decision to the employee and the County Administrator within ten (10) work days of the conclusion of the hearing.
10. The majority decision of the panel shall be final and binding and shall be consistent with the provisions of law and written policy.

- **Implementation of the Panel Decision**

1. The County Administrator is responsible for assuring that panel decisions are implemented.
2. Either party may petition the Bland County Circuit Court for an order requiring the implementation of the decision of the panel.

- **Challenges to Panel Decision.**

1. If a written request to reconsider the panel decision is submitted by either party within five (5) work days of receipt of the decision, the panel by majority vote may elect to review its decision and/or reopen the hearing for good cause shown.
2. Any challenge to a panel decision on the grounds that it is inconsistent with written policy must be submitted by either party within five (5) work days to the County Administrator, or his designee, unless such person has a direct personal involvement with the particular grievance or with the event or events giving rise to the grievance, in which case the challenge shall be submitted to and the decision made by the Commonwealth's Attorney for Bland County. This person is authorized to direct reconsideration by the panel where appropriate.

Procedural Compliance with the Greivance Procedures

After the initial filing of a written grievance, failure of either party without just cause to comply with all substantial procedural requirements of the grievance procedure, including the panel hearing, will result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five (5) work days of receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the County Administrator or his designee.

The County Administrator or his designee at their option, may require a clear written explanation of the basis for just cause extensions or exceptions. The County Administrator or his designee shall determine compliance issues. Compliance determinations so made shall be subject to judicial review by filing a petition with the Bland County Circuit Court within thirty days of the compliance determination.

Work Days

Work days refer to the normal work schedule (excluding authorized leave time) of the person required to take some action.

Extension of Time Periods

The time periods contained in this policy are substantial procedural requirements. However, such time periods may be extended by agreement of the parties. The panel may, with just cause, extend the time periods applicable to the panel.

Compensation and Reimbursement

- Persons serving as panel members, excepting the third panel member when appointed by the judge of the circuit court, are not compensated or reimbursed for any expenses associated with the hearing.
- Employees who serve as witnesses or panel members during normal work hours shall receive leave for the time served in accordance with applicable personnel policy and are to be reimbursed for the reasonable costs of travel and meals in accordance with travel regulations.
- Employees who are grieving termination are not compensated except in cases where a panel decision results in reinstatement with back pay. Reimbursement for travel expenses in this instance is limited to those expenses which would have been incurred in travel from the work location in which the grievance arose to the location of the hearing.
- The County shall bear the per diem expenses of the third panel member if appointed by the judge of the circuit court.
- The grievant is responsible for the cost of legal counsel or other representation in the preparation or presentation of the grievant's case in all or in any part of the proceedings.
- The County is responsible for all costs for the hearing officer.

Recorders

The use of recorders, including court reporters, shall not be permitted in the management steps. They may be used at the panel hearing at the discretion of either party.

Disabled Employees

A hearing disabled employee shall be allowed to have an interpreter during all steps in the grievance procedure; accommodations will be made for employees with other disabilities when such accommodations are made known.

Forms

Grievance forms are not necessary to initiate a grievance; forms may be obtained if desired from the Personnel office.

CHAPTER X PERSONNEL ADMINISTRATION AND RECORDS

Personnel File

The Personnel Office maintains a personnel file for each County employee. Employee records are maintained in accordance with the retention schedule established by the Commonwealth of Virginia State Library for local government records. This file is the official record of all employment with the County. Files contain personal data, benefit records, performance evaluations, disciplinary actions, training records, and other pertinent information. In keeping with the Government Data Collection and Dissemination Practices Act (Virginia Code § 2.2-3800 et seq.), personnel files are available for inspection only by the employee and the employee's supervisor or other authorized supervisor (unless such files are marked as "confidential").

An employee may review his personnel file by contacting the Personnel Office. An appointment will be scheduled within 5 days of the request; a representative of the Personnel Manager will be present during a review of a file.

The personnel file includes:

- Application of employment and offer of employment
- I-9 Form
- First day of employment
- Termination of probationary period
- Job description
- Job performance evaluations
- Starting salary wage, pay changes due to promotion, change of job duties, demotion, completion of conditions, or the completion of a probationary period, etc.
- Education/training acquired during employment
- Emergency point of contact
- Place of residence, personal phone numbers
- Letters of appreciation and commendation
- Disciplinary actions
- Permission to engage in outside employment
- Other documents required to be maintained as official personnel records by the Library of Virginia

Confidential Records

Immigration and Right to Work information (I-9 information), social security numbers, bank account numbers, credit card numbers, passwords, access codes to electronically stored information, and other personally identifiable information will be stored in confidential files with restricted access and if stored electronically will be encrypted or password protected. All health care provider and disability information will also be stored in confidential files. The confidential files are not available for inspection and copying to anyone other than personnel in the Personnel Office and the employee. The confidential files can be reviewed by the employee upon request unless the release of certain information is restricted under the Freedom of Information Act.

Corrections to Records

Employees must report changes in place of residence, contact information, emergency contact numbers, direct deposit information, telephone number(s), dependents, changes in beneficiaries, and marital status. It is important for an employee to review annually, particularly during the open enrollment period for benefits, the information in his personnel and benefits file(s).

If errors are found in the personnel or payroll records, they should be immediately brought to the attention of the Personnel Manager or the Director of Finance. If the errors are not corrected to the satisfaction of an employee, the employee may insert a 200-word statement disputing the information.

Retention and Destruction

Personnel and payroll records will be retained and disposed of in compliance with the Local Government Record Retention and Destruction Schedule for Personnel Records established by the Library of Virginia.

CHAPTER XI

APPLICABILITY OF HANDBOOK POLICIES

Modification of Policies

These policies do not constitute a contract of employment. The policies as a whole, or individually by section, may be modified, amended, or rescinded at the sole discretion of the County without notice.

Employees of Constitutional Officers

Under Virginia law, Constitutional Officers (Clerk of Circuit Court, Treasurer, Commissioner of Revenue, Sheriff, and Commonwealth Attorney) are separate employers from the County and the employees of such Officer are not County employees. The personnel practices of each Officer are to a limited extent governed by the rules and regulations of the Virginia Compensation Board. Constitutional Officers may elect to adopt the policies in the Employee Handbook in whole or in part for their respective offices without relinquishing any of their rights as autonomous employers under Virginia law. Should a Constitutional Officer elect to adopt the Employee Handbook in whole or in part and/or have certain finance responsibilities undertaken by the County, the Officer and the County shall enter into a Memorandum of Understanding which sets forth the deviations, exceptions, and exclusions relating to provisions in this Employee Handbook that will govern employment practices within their offices. Such MOU shall be approved by the Board of Supervisors.

**FORMS TO BE SIGNED
BY EMPLOYEE**

**ACKNOWLEDGMENT OF RECEIPT OF
PERSONNEL POLICIES**

I have received a copy of the Bland County Personnel Policies on _____[date]. I understand that the County has the right to amend or modify its contents at any time and that I will abide by its provisions.

The Personnel Policies does not constitute or imply an oral or written contract of employment nor do they alter my right or the right of the County to terminate my employment at any time. I understand that these policies include provisions to which I must adhere as a condition of employment.

Signature

Printed Name

Date

CONSENT TO INSPECTION AND MONITORING

I understand that Bland County reserves the right to search any property located on or brought into its facilities, including but not limited to desks, lockers, closets, computers, purses, briefcases, or vehicles. I recognize that I have no expectation of privacy in what I place, store, or leave in these containers or on the County's property.

I further understand, and hereby consent, to the County's monitoring communications received, stored or transmitted on electronic, digital, and wire communications equipment and systems provided by the County or used in the course of conducting business for the County. I understand that this equipment is provided exclusively for business use and not for personal use.

Signature

Printed Name

Date

**UNDERSTANDING ON THE USE OF
COMPENSATORY TIME IN LIEU OF OVERTIME PAY**

I acknowledge that Bland County compensates non-exempt employees for overtime hours by providing compensatory time at the rate of one and one-half hours for each hour worked over forty (40) hours in the workweek.

I further understand that:

1. Compensatory time in lieu of overtime pay has been, and is, a condition of employment;
2. Compensatory time earned will be preserved until such time as I may elect to use it, cash it out at the time of my termination of employment, or otherwise use it consistent with the provisions of the Fair Labor Standards Act or until the County elects to cash it out or requires me to use it;
3. Once I accrue 240 hours (480 hours if law enforcement) of compensatory time, I will be compensated for each overtime hour worked above that limit in the form of overtime pay; and
4. I have the right to request the use of the compensatory time at any time and that the County will allow me to use it within a reasonable time after the request is made unless my absence would unduly disrupt the operations of my work unit.

Signature

Printed Name

Date

**USE AGREEMENT FOR
ELECTRONIC MAIL AND NETWORK/INTERNET SERVICES**

I have been authorized access to either Electronic Mail or Network/Internet services. This access is provided through County-owned personal computers and/or networks (County Local Area or Wide-Area Network or other network).

I have read, understand, and agree to rules on Electronic Communication found in Section V of the Employee Handbook and the following additional terms and conditions that govern my use of these services:

Access has been granted to me by the County, as a privilege, for me to perform authorized duties and responsibilities for the County. I understand that the County may revoke this privilege at any time, at the County's sole discretion.

I will not use or knowingly permit the use of any access control mechanism (e.g., log-in ID, password, terminal ID, user IDs) for any purpose other than that required to perform authorized duties.

I will not disclose any access control mechanism (i.e. password), unless authorized to do so, in writing, by the County.

I will not use any access control mechanism (i.e. password) which has not been expressly assigned to me to the County.

I understand the ethical and legal use of software, recognize that the unauthorized use or copying of software is illegal, and agree to refrain from all illegal and unethical actions involving software.

I agree to abide by all County policies, procedures, standards, guidelines, and other regulations regarding technology usage.

I understand that all electronic, digital, and wire communications received, sent or stored may be monitored and that the privacy of such messages is in no way guaranteed and that personal use of e-mail is prohibited.

I understand that downloading or sending of large image (i.e. "jpg" or "gif") or audio (i.e. mp3) files that are not work related is prohibited.

If I observe or know of any violations of the terms of this agreement, by others, I accept responsibility for reporting such violations to my immediate manager and the County's Director of Information Systems.

By signing this agreement, I certify that I understand the terms and conditions of this agreement and that I accept responsibility for adhering to the agreement. I also acknowledge my understanding that any infractions on my part will result in disciplinary action, including but not limited to termination of my access privileges.

Employee Name (Print): _____

Employee Signature: _____ Date: _____

**REQUEST TO ENGAGE IN
OUTSIDE EMPLOYMENT**

(Only to be signed as needed during the course of employment)

I request permission to engage in the following employment or other remunerative activities outside my regular working hours (please provide the name and address of the employer or remunerative activity and describe in detail the nature of the activities and the responsibilities that you will have):

Which ways, if any, might this activity or employment interfere with your responsibilities in your current job?

The anticipated work schedule will be the days and the hours per day.

Will there be any on-call work?

The duration of the employment or activity is estimated to be:

This request for permission to engage in outside employment or other remunerative activity will not constitute a conflict of interest and to the best of my knowledge will not interfere with my employment with the agency or with my ability to objectively serve the agency's clients. I recognize that the approval, if given, will be for no longer than a year.

Print/Type Name

Signature

Date

This request is approved ____, not approved ____, approved with the following restrictions:

The reasons that this request is not being approved are:

Signature, Supervisor

Date

Signature, Department Head

Date

DEDUCTION FROM FINAL PAYCHECK

In the event that my employment terminates voluntarily or involuntarily with Bland County and I have incurred outstanding repayment obligations to the County for equipment, tools, clothing, supplies given to me during the course of my employment and not returned, disallowed travel reimbursements, leave payouts received improperly, health and dental plan co-pays owed, damage to County property, or other financial personal obligations that were paid by the County on my behalf, I hereby give my consent for the County to deduct to the fullest extent permitted by federal or state minimum wage law from my final paycheck or from the payment for accrued paid leave, the amounts I owe to the County.

Signature

Date

Print Name Above